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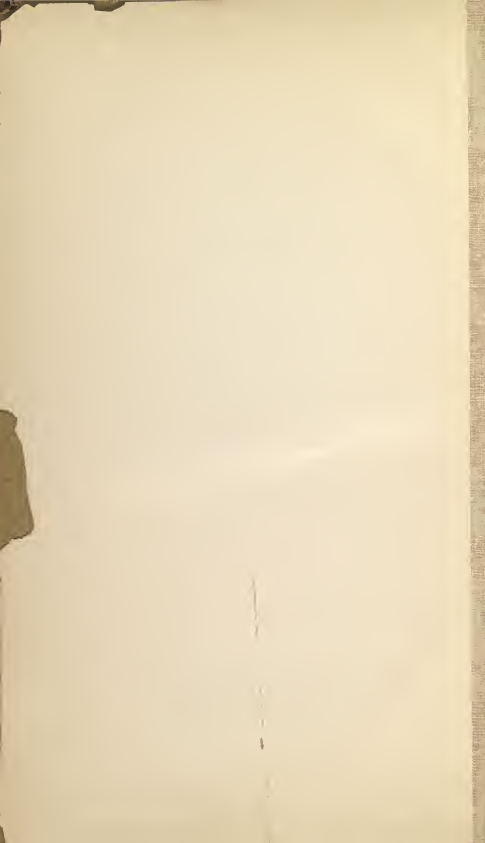
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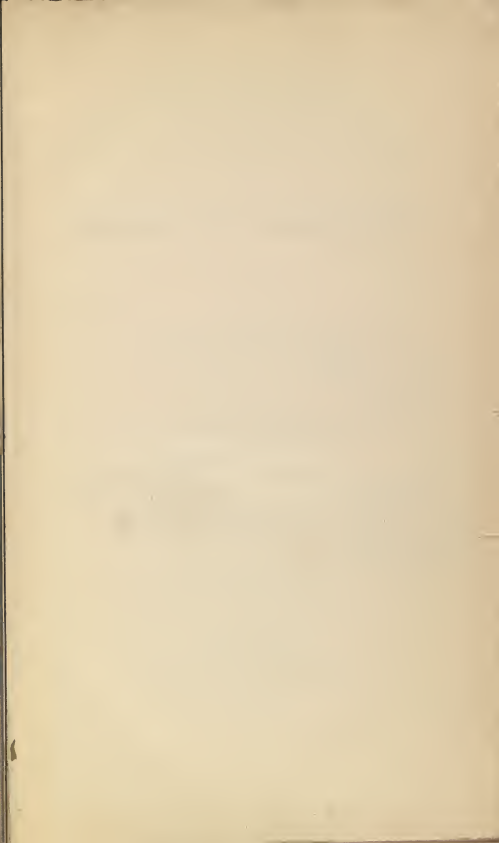
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DOCUMENTS

OF THE

BOARD OF ALDERMEN,

OF THE

CITY OF NEW YORK.



From No. 1 to 101 inclusive—From May, 1840, to May, 1841.

184841.

D VOLUME VII.



NEW YORK:

BRYANT AND BOGGS, PRINTERS,

27 FINE STREET.

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25

1853

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ANNUAL MESSAGE

OF

HIS HONOR THE MAYOR,

ISAAC L. VARIAN.

MAY 27, 1840.

DOCUMENT NO. 1.

BOARD OF ALDERMEN.

NEW YORK:

BRYANT AND BOGGS, PRINTERS.

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DOCUMENT No. 1.

BOARD OF ALDERMEN,

JUNE 1, 1840.

**MAYOR'S OFFICE,
NEW YORK, MAY 27, 1840.**

*Gentlemen of the Common Council of the City of New
York :*

The renewed mark of the public favor, which has made it my duty again to communicate to you my views in regard to the situation and interests of the city, demands the expression of my grateful acknowledgments. Realizing the difficulties attending a satisfactory discharge of the duties of the office to which I have been elected, I can only promise that this continuance of the public confidence will not be unmerited by me, so far as a faithful and honest devotion to the public interests will entitle me to it.

Since the message of the previous year was communica-

ted to the Common Council, considerable change has taken place in the finances of the city.

An increase of the city debt during the past year has been occasioned by the issue of two Stocks, one for the payment of damages from the blowing up of buildings at the great fire, which have remained unsettled until the past year, and the other to provide funds for the construction of the Croton Aqueduct.

The city debt, exclusive of those above mentioned, has been somewhat reduced within the past year.

The permanent funded debt of the city on the 1st of May, 1840, was, according to a statement furnished by the Comptroller, as follows :

City Stocks of 1820 and 1829.....	\$ 500,000 00
Building Stocks	515,000 00
Fire Loan Stock	943,975 78
Fire Indemnity Stocks	236,200 00
Water Stocks	5,511,930 00
	<hr/>
	\$7,707,105 78

To which is to be added Bonds of the city advanced on account of Water Stock, and to be repaid from the proceeds of Stock to be sold

314,000 00

\$8,021,105 78

In this amount is included that portion of the City Stocks held by the Commissioners of the Sinking Fund, and which should be deducted, viz. :

Amount carried forward \$8,021,105 78

Amount brought forward.....	\$8,021,105 78	
City Stocks of 1820 and 1829 \$	91,200 00	
Building Stocks.....	15,000 00	
Fire Loan Stocks	33,475 78	
Water Stocks	249,000 00	
	<u>\$388,675 78</u>	
And Water Stock issued and sent to Europe, but not sold	345,000 00	
	<u>\$733,675 78</u>	
Making the actual amount of the funded debt on 1st May, 1840	\$7,287,430 00	
The temporary debt of the city at the same time was for Bonds issued to the Water Commissioners	\$885,250 00	
Bonds issued to other persons for loans, &c.	54,110 00	
Bonds issued to Commissioners of the Sinking Fund.....	100,000 00	
Bonds loaned to T. Cummings	18,400 00	
Mortgage on property in Chrys- tie street	3,000 00	\$1,060,760 00
Total amount of public debt funded and tem- porary on 1st May, 1840	\$8,348,190 00	
The amount owing on the aqueduct account, at the same time including the Water Stock issued and the Bonds, is as follows, viz.:		
Amount carried over.....	\$8,348,190 00	

Amount brought over	\$8,348,190 00	
For Stock issued and advances..	\$5,511,930	
Less amount of Stock in Europe unsold.....	345,000	
	<hr/>	
	\$5,166,930	
And the Bonds issued in lieu of Stock	314,000	5,480,930 00
	<hr/>	<hr/>
Leaving for the city debt (exclusive of the Water Loan)	\$2,867,260 00	
To meet this debt, however, there is in the Treasury and in the Sinking Fund, cash and securities as follows, viz.:		
In the Sinking Fund in cash..	\$ 74,557 42	
Do. in Bonds and Mortgages..	53,925 00	
And Bonds of the Corporation	100,000 00	
	<hr/>	
	\$228,482 42	
In the Treasury in cash	130,325 02	
And there are also applicable to the payment of this debt, the following sums when collect- ed, viz.:		
Mortgages held on account of		
the Fire Loan Stock	942,935 68	
Moneys to be received from		
liens for opening streets ..	450,000 00	
Do. do. filling sunken lots..	36,000 00	
	<hr/>	<hr/>
Amounts carried forward	\$1,787,743 12	\$2,867,260 00

Amounts brought forward	\$1,787,743 12	\$2,867,260 00
Liens for regulating streets ..	22,000 00	
Balance of tax unpaid	135,000 00	
Amount loaned T. Cummings	18,400 00	
	<hr/>	\$1,963,143 12

Total amount of city debt, exclusive of Water Stock and securities applicable to it.. \$904,116 88

During the past year a part of the Fire Loan Stock which was issued to the Insurance Companies for bonds and mortgages, amounting to \$65,564 32, has been redeemed, and that amount of Stock cancelled. The proceeds of the mortgages received by the city for this loan are specially appropriated to the redemption of this Stock, and should as soon as received be so applied.

In my former message I also suggested the propriety of appropriating the moneys received by the Commissioners of the Sinking Fund, for the immediate redemption of the Stocks to which they are applicable: at the present value of the public Stocks, it could be done on very advantageous terms; and I would also urge it as being highly necessary to reduce as much as possible of the old Stocks which are still unredeemed, and to avoid the possibility of withdrawing those funds for other purposes.

I refer you to my views as expressed on a former occasion in relation to the inexpediency of thus increasing the temporary debt of the city, and also in regard to the use of the moneys belonging to the Sinking Fund, for the ordinary purposes of the city, with the additional remark that I am

not only firmly convinced of the propriety of the suggestions then made, but that it is also the bounden duty of the public authorities, if they would confine themselves within the powers delegated to them, as well to avoid the creation of a temporary debt for any other purpose, than to anticipate a part of the annual tax for ordinary expenditures, as to keep faithfully the moneys belonging to the Sinking Fund from any other application than the purchase of the Stocks to which they are appropriated.

The Legislature having authorized a portion of the floating debt to be funded, I would recommend to the Common Council to avoid in future the passage of any resolution by which a similar state of the financial affairs of the city will be produced; to avoid it, greater caution must be used in authorizing expenditures, and no such expenditures should be incurred until it is ascertained that the Treasury will be provided with funds to meet them when required.

The construction of the aqueduct for supplying the city with water, has been continued during the year, and the expenditures during that period have exceeded the whole amount paid previous thereto.

The Semi-Annual Report of the Water Commissioners will afford you all the necessary information in regard to the gradual construction of the work. There is now completed about twenty-seven miles of the aqueduct, and it is estimated that the whole line of the aqueduct will be completed in the Spring of 1842, so far as to be able to distribute water at that period in the city. The expenses attending it for the year ending on the 1st of January, 1840, were \$2,335,254 44.

The whole amount expended up to this period in the purchase of lands and construction of the aqueduct, is

\$5,465,036 71. The annexed table will show the receipts and expenditures to this period.

It is estimated by the Water Commissioners in their last report, that the whole expense will exceed nine millions of dollars. In order to meet the expenditures already incurred, there had been issued on the 1st of January, 1840, in Stock, the amount of \$5,473,730; which, with the Stock on hand at that time of \$26,270, making \$5,500,000, the whole amount then authorized by the Legislature. The passage of a law authorizing a further issue of Stock to the amount of \$3,000,000 by the Legislature this year, will enable the Corporation to provide the necessary funds for the continuance of the work.

During the past Winter the Commissioners who were originally appointed to superintend this work, and who have had the sole charge of it to this period, were removed from office, and other gentlemen have been appointed in their places. So far as I have had any opportunity of ascertaining, I feel bound to say that they appear to have faithfully discharged their duties, and that the portion of the aqueduct constructed under their superintendence, is highly creditable to those employed upon it.

Since the appointment of the present Commissioners, a communication has been received by the late Common Council from them, relative to laying the pipes for the purpose of distributing the water through the city; the expense of this part of the work has been estimated at \$1,500,000, in addition to the estimated cost of the aqueduct. The whole estimated cost of the work therefore, before the water can be distributed, will exceed the sum of ten and a half millions

of dollars, besides the interest which will accrue upon the loans to the period when the work is to go into operation.

The suggestions of the present Commissioners, to raise the necessary funds for laying the pipes by a tax upon the lots fronting the streets where the pipes are to be laid, is a measure of considerable importance. It is desirable that no greater amount shall be borrowed upon the public credit than is absolutely necessary, while it is not probable that the addition of a tax of \$30 in one year upon each lot, to the ordinary taxes, would be willingly submitted to by many tax payers at the present period. No such tax could, however, be imposed during the present year, as the Legislature has adjourned; and as there will be ample time for the thorough examination of the subject before the next meeting of the Legislature, I submit it to your serious consideration.

In laying pipes through the streets of the city, as immediately connected with the extinguishment of fires, it is highly necessary that such pipes should be made to conform in all respects with the plans of the Water Commissioners. Unless pipes are laid, suitable for the purpose of distributing the water after the aqueduct shall have been completed, the expense now incurred would be wholly unnecessary; and I recommend a consultation with the Water Commissioners on this subject before any more pipes shall be laid, and the adoption of their plans in the size and description of the pipes to be used therefor.

During the past month difficulties have arisen between the contractors and the workmen on the aqueduct, in regard to the amount of wages allowed to those employed thereon. On the upper portion of the work the workmen, in a considerable number, refused to work at the wages given them, and

afterwards interfered with those who were engaged on other parts of the work; and were willing to continue at the wages they were then receiving. So long as those who were discontented confined themselves to a refusal to work; no interference with them, on the part of the public authorities, was necessary or proper; and it was thought probable that, after a few days, they would have returned to their work, by some arrangement of the difficulties that existed. This refusal to work, however, was continued; and many of those engaged in it also resorted to other means to compel the contractors to comply with their demands. An attempt was made to protect those who were willing to work, and to prevent any disturbance, by means of such of the Police Officers as could be called upon for the purpose; but from the extent of the work, and the means resorted to by those engaged in it, this attempt failed.

Having received from the Water Commissioners information that injury to the public work was threatened, a small number of the military were called upon, and were stationed for a few days at different points upon the line as a precautionary measure, which had the desired effect. Several of those concerned in producing the disturbance have been arrested; many of the men who had refused to work have returned to their employment; and a great number of new hands offering to take the places of those who had withdrawn, the contractors have been enabled to resume work throughout the line, and order has been fully restored.

I have heretofore called your attention to the importance of authorizing the Mayor, when necessary for the public peace, to employ a greater number of Police Officers than is

now allowed by law, for that purpose. The law does not vest in him authority to employ a sufficient civil force on occasions similar to the one before mentioned, and it then becomes necessary to resort to military power for that purpose. This measure is not only one which would be unnecessary if the Mayor was vested with sufficient authority in regard to the Police, but is at all times to be avoided, when other means can be resorted to for preserving the peace and protecting property.

From the last Annual Report of the Commissioners of the Public School Money, it appears that \$120,555 70 was distributed for the year preceeding, among the several schools entitled to receive a share thereof. In these schools upwards of 22,000 children were taught during that period. Although this number is large, yet it embraces only a small portion of the children in this city requiring the benefits of education. The importance of extending the privileges of these schools to all who can be induced to attend them, must be admitted by all who regard the public welfare; and it is certainly desirable that such measures should be adopted as will render these schools as acceptable as possible to the parents of those children who can be benefited by them.

The last Common Council refused an application from some local schools to share in these funds, on the ground that they were of a sectarian character, and on that account it was not proper to make them partakers of these funds. While such a rule is enforced towards schools of this description, it is equally desirable and proper that every thing of a similar character should be avoided in the management of the Public Schools; so that all may equally share in the

benefits and advantages of these schools, and that the parents, of whatever religious denomination, may be induced to send their children to them without objection on similar grounds.

The other public institutions for youth, which receive aid from the public funds, appear to be in a prosperous condition, and still deserving of the public favor. Particular accounts from each will hereafter be furnished to the members in the annual reports made by the respective institutions. The schools connected with the Alms House Department continue large. There are now instructed in the schools on the Long Island Farms about 900 children.

During the last year a number of deaths occurred among the children, and for a short time the prevalence of the disease which occasioned them produced some alarm; but I am happy, however, to state, that the sickness which prevailed has, as I am informed, ceased, and that health has been restored among them.

During the year the number of children that have been bound to respectable persons by the Commissioners of the Alms House was 349.

The number of inmates in the Alms House has considerably increased. On the 1st of May, 1839, the whole number in the Alms House Department was 2,448

And in the Penitentiary and Prison 653

Making in all 3,101

On the 1st of May, 1840, the number in the

Alms House was 2,757

And in the Penitentiary and Prison 712

Making in all 3,469

And the number of Lunatics was 217

I have heretofore called the attention of the Common Council to the importance of preparing for the erection of a new Alms House, and refer to my views then expressed on the subject.

A different mode of providing for the poor of the city, by requiring from those receiving public charity, such labor as they are able to perform, would tend very much to reduce the cost of this establishment, and I think also to lessen the number claiming public assistance. I annex hereto a statement showing the monthly expenditures for this department.

The number of new buildings erected in the city within the year 1839, is less than during any similar period for the last six years. During the last year the whole number of buildings so erected was 674; in the preceding year the number was 781, and in the year 1837 it was 840. The heavy pecuniary embarrassments under which the country has been placed during the past year, has produced this result. The future and continued growth of the city, though it may be retarded, cannot be prevented; and the opening of resources of communication with distant parts of our land, and the restoration of public confidence, will soon give a new impulse to its improvement.

The returns of the City Inspector for the last year, show a decrease in the interments during that period, from that of 1838. Such also was the case during the year 1838 as compared with that of the former year.

In 1837 the interments within the city were	8,582
In 1838.....	8,053
And in 1839	7,953

The continuance of public health, and freedom from any

annual epidemics, should be acknowledged by us with gratitude to the Great Author of our mercies; and should, at the same time, lead to constant care and watchfulness on the part of the public authorities, in taking the necessary measures, as far as they have the power, to preserve it.

The abolishment of imprisonment for debt, as regards non-residents, by the Legislature, during the last session, will render a Debtors' Prison, in a great measure, unnecessary. Some of the apartments which have been applied for that purpose in the Halls of Justice, in my former communication to the Common Council, I represented as unfit for the confinement of debtors. As the number who will hereafter be imprisoned upon civil prosecutions must be small, while the law remains as it now is, sufficient apartments, of a suitable character, may perhaps be assigned, in that building, for this purpose, so as to render it unnecessary to provide any other building therefor.

For those who are still so unfortunate as to be liable to imprisonment in civil suits, apartments should be provided, however, different from those ordinarily used for that purpose.

The Legislature of this State have thought proper, without the application, and contrary to the expressed wishes of the late Common Council, to pass a law requiring the electors of this city to be registered, in order to entitle them to the right of voting at all subsequent elections. The same law also reduced the time of holding the election from three days to one day, and provided for the division of the city into districts, suitable for carrying into effect those provisions. This division was made before the last election,

by the Commissioners appointed for that purpose, in a satisfactory and impartial manner, as far as I am informed. The change from three days to one day will probably be found to be beneficial, in reducing greatly the excitement attending the elections in this city, and in saving a large portion of the time which has heretofore been lost in attending them.

To the Registry Law, serious objections were made by the late Common Council, and are still entertained by a large number of the electors. The future operation of the law, is the only mode now by which it can be ascertained whether the objections are well founded. To the citizens of New York it must be an odious provision, that such a law was necessary for no part of the State but the City of New York, and that while all the other citizens were left freely to exercise the right of suffrage, as conferred upon them by the Constitution, the citizens of this city are subjected to other restrictions and additional burdens. If such regulations are necessary here, they are equally necessary in other cities, to preserve the purity of elections.

The expenses attending the elections will, in consequence of this act, be greatly increased, and it will be necessary for you to make provision therefor.

The Legislature have also passed a law changing the organization of the Court of Sessions, by depriving the Aldermen of this city of their judicial powers, and appointing two Judges to hold that Court with the Recorder. This law was also passed in opposition to the remonstrances of the Common Council. The right of the Aldermen to act as Judges of this Court has never been doubted until within a short period: by many it has been considered a useful or-

ganization of the Court, to have a portion of it composed of men annually elected by the people; and it is to be regretted, at least, that the Legislature should have thought proper to take away from the public Magistrates of this city, rights conferred upon them by the Charter of the City, and which have always been recognized and confirmed by former Legislatures.

It becomes a matter of importance to the Aldermen of the city to inquire how far the alterations of their powers, in depriving them of judicial functions, effects their rights to act in any capacity as Magistrates of the city.

Their powers, as such Magistrates, will probably be confined to the express statutory provisions on these subjects, and should be the subject of a full examination. The payment of the additional expenses attending this organization of the Courts is, by the act, charged upon the Common Council. It will, therefore, be necessary to make provisions therefor.

A proposition was also submitted to the Legislature, without any application on the part of the Common Council, in regard to the Fire Department of this city, which was adopted by one branch of that body, but in the other was not acted on, and did not become a law. This proposition was to deprive the Common Council of all control over this Department, and place it in the hands of persons who were not in any way responsible to the public authorities, while it left the whole expenses of the Department to be paid from the Treasury. Such a measure, I should think, could not be acceptable to the Common Council; and instead of relieving the difficulties which have in past years

operated injuriously upon the Department, would have added new ones of a more serious character.

Since 1836, the introduction of political feelings and views into the general management of this Department, has materially affected its usefulness, and tended much to produce the evils which the law above referred to proposed to remedy. Those evils, however, would be much more easily removed by the good sense of the firemen themselves, and a determination on the part of the Common Council to refrain from such motives in the government of this Department.

The disposition, on the part of the Legislature of this State, to legislate in regard to the public interests of the city, contrary to the wishes of the Common Council, and, in some instances, in regard to the public property, is a matter much to be regretted. Whatever differences there may be in the political views of those bodies, still, mutual confidence, as to the affairs and property of this city, should be entertained; and if distrust is produced on the part of the public authorities in each other, the public interest is effected thereby. I trust that, on the part of the Common Council of this city, no cause will be suffered to exist to justify such a course of conduct on the part of a future Legislature.

I am again constrained to call your attention to the importance of reducing the annual expenditures of the city. In the Message communicated to the Common Council at the commencement of the last year, I urged this subject upon their consideration. The cause for such a recommendation still remains. The expenses of this city, which, during a few years of very great commercial prosperity, and

a corresponding rise in the nominal value of property and labor, were swelled to a very large amount, have not, with the change that has taken place in business, and the fall in the value of property and labor, been proportionally reduced. Some allowances, no doubt, must be made for the gradual increase of the expenses of the city, owing to its increase in size and population, but there is no good reason why the expenses of this city should not yet be materially reduced.

In referring to the last report of the Comptroller, it will be seen, that in the year 1839, the expenses of the Alms House Department were..... \$281,458
And for cleaning Streets..... 145,500

\$426,958

being in amount, for these two branches of public expenditure, more than one-third of the whole tax of the city for that year.

That there may be still a considerable reduction made in the expenses of these Departments, I believe practicable. The subject is worthy of your most serious consideration, not only in reference to these particular causes of expenditure, but to all parts of the city government. You can be engaged in no business more appropriately within the sphere of your duty, and none more necessary for those you represent, than by endeavoring to produce a prudent, proper and economical expenditure of public money, and to confine those expenditures to the legitimate purpose to which they should be applied.

In the present depressed condition of the business of this city, it is incumbent on the public authorities to make the pub-

lic burdens as light as possible; and by avoiding useless and unnecessary expenditures, by introducing a thorough system of economy in every department, and postponing to some future period those projects involving the disbursement of public moneys which are not immediately required, to lessen as much as possible the amount of taxes. Such, I trust, may be the result of your labor; and I will cheerfully cooperate with you, as far as I have the ability, to carry into effect those measures which shall be deemed most conducive to the public welfare and prosperity.

ISAAC L. VARIAN.

RECEIPTS AND EXPENDITURES ON ACCOUNT OF THE CROTON AQUEDUCT.

RECEIPTS.	Previous to 1835.	1835.	1836.	1837.	1838.	1839.	1840. To May 1st.	TOTAL.
Proceeds of stock sold		\$1,119,300 00						
Interest received on part proceeds of sales of stock				\$350,000 00	\$384,530 00	\$1,895,024 15	\$ 55,152 08	\$3,804,006 23
Amt. rec'd from Bank of the State of New York, on account of stock placed with them on sale, &c.			\$ 27,489 44	5,250 00	5397 04			38,136 48
Proceeds of sales of old water pipes					1,072,023 04	15,375 00	100,095 16	1,197,493 20
Rent of land				349 27				349 27
Int'l. rec'd to ante date stock				435 00		988 60	273 12	1,696 72
						224 74	8 67	233 41
		\$1,119,300 00	\$ 27,489 44	\$356,034 27	\$1,461,950 08	\$1,911,612 49	\$ 155,529 03	\$5,031,915 31
EXPENDITURES.								
Water Commissioners for their current expenses ..	\$6,595 11	\$35,130 76	\$ 42,773 36	\$297,678 56	\$1,589,879 47	\$1,106,014 96	\$ 141,665 88	\$3,219,738 10
Do. do. in bonds						855,250 00	314,000 00	1,169,250 00
Cost of Water pipes, and expenses for laying them	160,740 21	53,146 28	25,100 74	45,202 87	24,661 61	68,474 44	28,135 04	405,461 19
Int'l. rest paid on Water Stock issued		13,472 21	50,000 00	53,041 00	111,110 18	206,637 27	136,239 89	570,500 55
Premium paid on specie to pay interest				2,088 37	742 81			
Contingent expenses		2,945 44	96 00	89 95	164 00			2,831 18
Paid Bank of New York for purchase of exchange, be- ing part of advance on stock in 1838, refunded.								3,295 39
						98,877 77		98,877 77
	\$167,335 32	\$104,694 69	\$117,970 10	\$398,100 75	\$1,726,558 07	\$2,335,254 44	\$ 620,040 81	\$5,469,954 18

*Monthly Expenditures of the Commissioners of the Alms
House, from May 1st, 1839, to May 1st, 1840.*

	Donations to Out-door Poor.	Total Monthly Ex- penditures.
For month of May, 1839.....	\$ 452 50	\$25,496 43
" " June "	540 94	20,194 45
" " July "	483 05	22,471 76
" " Aug. "	427 61	32,737 52
" " Sept. "	402 95	21,184 35
" " Oct. "	540 88	26,129 16
" " Nov. "	537 14	20,112 18
" " Dec. "	601 00	17,979 36
" " Jan. 1840.....	1,083 30	29,953 80
" " Feb. "	1,148 82	21,669 74
" " Mar. "	844 57	21,093 16
" " April "	817 20	16,566 99
Total	\$7,879 96	275,588 90

Total expenditures for cleaning Streets, from
May 1st, 1839, to May 1st, 1840..... \$154,332 11
Total receipts, from May 1st, 1839, to April
1st, 1840..... 44,914 00

Total expenditures for Public Schools, from
May 1st, 1839, to May 1st, 1840..... 88,525 56

Clothing for 9 Mutes, 1 year, to 1st Oct.
each \$20.....\$180

Board and tuition of 13 Mutes, to 1st Oct. 845

Do. do. 10 do. 1st Jan. 325

Do. do. 12 do. 1st Apl. 390

— 1,740 00

DOCUMENT No. 2.

BOARD OF ALDERMEN,

JUNE 1, 1840.

Report of the Committee on Roads and Canals, on the petition of the Harlaem River Canal Company. Laid on the table and ordered to be printed for the use of the members.

THOMAS BOLTON, CLERK.

The Committee on Roads and Canals, to whom was referred the report of the Committee on Roads and Canals of the late Board, recommending a concurrence in the adoption of the resolutions giving permission to the Harlaem River Canal Company, to construct or enlarge the present canal now uniting the Harlaem River with Spuyten Duyvel Creek, beg leave respectfully to

REPORT:

That the subject of opening a canal from Harlaem River to Spuyten Duyvel Creek, and generally improving the navigation of the Harlaem River, having undergone the most

serious consideration and the most minute and careful examination by Committees of former Boards, and ably reported upon by them, accompanied by actual surveys of distinguished and competent Engineers, clearly showing the capability of said river, if improved, of affording a secure and easy navigation from the North to the East Rivers, your Committee cannot more forcibly point out the advantages to be derived to the city by the accomplishment of said work prayed to be undertaken by its enterprising citizens, than referring to the report of said Committees: Report of the Committee on Wharves, Piers and Slips, of the Board of Aldermen, Document No. 80, of Vol. III; and the report of the Committee on Roads and Canals, Document No. 126, Vol. II., page 430, of the Board of Assistant Aldermen; and the report of the Special Committee of the Board of Assistant Aldermen, Document No. 24, page 195, Vol. XII; and the report of the Committee on Roads and Canals, of the late Board of Aldermen, all fully agreeing as to the propriety of granting said company permission or consent to construct said canal, as required by the Act of the Legislature. With these views your Committee beg leave to recommend a concurrence in the adoption of the resolutions.

NATHANIEL JARVIS,
JAMES FERRIS,
EGBERT BENSON.

DOCUMENT No. 3.

BOARD OF ALDERMEN,

JUNE 3, 1840.

The following Act was directed to be printed, and published in the Newspapers employed by the Common Council.

D. T. VALENTINE,
ASSISTANT CLERK.

AN ACT

IN RELATION TO THE COLLECTION OF ASSESSMENTS AND
TAXES IN THE CITY AND COUNTY OF NEW
YORK, AND FOR OTHER PURPOSES.

[Passed May 14, 1840.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1. In all cases where Commissioners or Assessors shall describe the houses and lots assessed for any improvement,

the assessment shall describe and particularize all such houses and lots by the known street number, as well as the ward number; and shall also state the names of the owner or owners, and occupant or occupants; and it shall be the duty of the Surveyors who shall make out the assessment list, to ascertain by inquiry to be made of the Collector of Taxes of the ward in which the property assessed is situate, and by inquiry of the person who collected the taxes of such ward the previous year, as to such ownership, and such Collectors shall afford the requisite information.

2. It shall be the duty of all Commissioners and Assessors, authorized to make any estimate and assessment for any improvement, to give notice to the owner or owners, and occupant or occupants, of all houses and lots, and improved or unimproved lands affected thereby, that they have completed the estimate and assessment. Such notice shall be published daily, in at least ten of the daily newspapers, for ten days successively. It shall describe the limits embraced by such assessment, and shall contain a request for all persons whose interests may be affected thereby, and who may be opposed to the same, to present their objections, in writing, to the Chairman of the Commissioners or Assessors, within ten days from the date of such notice; and if, after examining such objections, the Commissioners or Assessors shall not deem it proper to alter their assessment, or having altered it there shall still be objections to the same, it shall be their duty to present such objections, with the assessment to the power authorized to confirm the same; but nothing herein contained shall conflict with, or render invalid, the Act entitled "An Act to reduce several laws relating to the City of New York into one Act," passed April 20, 1839.

3. In advertising houses and lots, improved or unimproved lands, to be sold for the non-payment of assessments, it shall be the duty of the Street Commissioners to advertise all the houses and lots, or other lands, lying contiguous to

each other and belonging to the same owner, in one parcel, unless otherwise requested by such owner.

4. It shall not be lawful for any Commissioner or Assessor to charge for any services in making estimates and assessments for any improvements authorized by law to be assessed upon the owners or occupants of houses and lots, or improved or unimproved lands, not actually rendered by him; nor for any parts of days as whole days, when the time occupied was less than six hours of such day.

5. Certificates of sale shall be made and delivered to the purchasers without charge; and no charge shall be made in the sale for the second advertisement and lease, but the expense of the former shall be paid by the owner at the time of redeeming, or by the purchaser when he shall receive a lease. The expense of drawing and executing a lease shall be paid by the purchaser at the time of receiving the same, and shall not exceed fifty cents.

6. The rate of interest allowed by law to the purchaser at the time of redemption, on the amount of the purchase money, shall be reduced to fourteen per cent. per annum; but no interest shall be calculated on a less portion of time than one quarter of a year; and in all cases where the property shall be redeemed during any fractional part of a year, the interest shall be calculated so as to include the quarter in which such redemption shall be made, the time to be computed from the day of sale.

7. Commissioners or Assessors for making estimates and assessments for any improvements authorized by law, to be assessed upon the owners or occupants of houses and lots, or improved or unimproved lands, shall, in no case, assess any house, lot, improved or unimproved lands, more than one half the value of such house, lot, improved or unimproved lands, as valued by the Assessors of the ward in which the same shall be situate.

8. It shall be the duty of the Collectors of Taxes of the City of New York, to attend at the Comptroller's office, at the

Hall of Records, every Saturday in the months of January and February of each year, from the hour of ten o'clock in the morning to the hour of three o'clock in the afternoon, with a tax list of their respective wards, for the purpose of affording tax payers owning property in the different wards an opportunity of paying such taxes.

9. No houses and lots, or improved or unimproved lands, in the City and County of New York, shall be hereafter sold or leased at public auction for the non-payment of any assessment or tax which may be due thereon, unless notice of such sale shall have been published once in each week for three months, in at least ten of the daily newspapers printed and published in the City of New York; one of which shall contain a particular and detailed statement of the property to be sold for assessment, and such as is now published by the Street Commissioner in two of the daily newspapers in the City of New York; or the said detailed statement or description shall be printed in a pamphlet, in the discretion of the Street Commissioner; in which case the pamphlets shall be deposited in the Street Commissioner's office in the City of New York, and with the Collectors of Taxes of the different wards of the said city, and shall be delivered to any person applying therefor. And the notice provided for in this section, of the sale of houses and lots, and improved or unimproved lands, shall also state that the detailed statement of the assessment or tax, and ownership of the property assessed or taxed, is published in one of the daily newspapers, naming the same, or in a pamphlet, as the case may be, and where the pamphlets are deposited to be delivered to any persons applying for the same.

10. It shall not be necessary to give any further publicity of any intended sale of property for unpaid assessments and taxes, than is contemplated by the last preceding section; and in giving the further notice required by section two of the Act entitled "An Act for the more effectual collection of taxes and assessments in the City of New York,

passed April 12, 1816," of the sale of property six months previous to the expiration of the time for redemption, it shall only be necessary to publish the same in one daily newspaper, printed and published in the City of New York, twice in each week, for six weeks successively; and so much of the said section as is inconsistent with this act is hereby repealed.

11. In all cases where pieces, parcels, or lots of land shall have been sold for assessments, and any person shall claim to redeem any portion of the same, within the time limited for redemption, he shall be permitted to do so, on paying the apportionment of the assessment for which the property was sold, together with the interest on the same, and an equitable proportion of the expenses. The apportionment to be made by the Street Commissioner.

12. Nothing contained in the ninth section of this Act shall be construed to postpone the sale now advertised to take place in June next.

*State of New York, }
Secretary's Office. }*

I have compared the preceding with an original Act of the Legislature of this State, on file in this office, and do certify that the same is a correct transcript therefrom, and of the whole of said original.

ARCHIBALD CAMPBELL,

Deputy Secretary.

Albany, May 22, 1840.

DOCUMENT No. 4.

BOARD OF ALDERMEN,

JUNE 3, 1840.

Report of a Special Committee, to which was referred a Preamble and Resolution relative to the action of the Legislature. Laid on the table, and double the usual number ordered to be printed.

D. T. VALENTINE,
ASSISTANT CLERK.

WHEREAS, the Legislature of our State, during the session which has just terminated, has enacted a series of laws which obstruct the exercise of the elective franchise, impede the operation of our criminal laws, appropriate money from our local treasury, and divest the members of this Board of an important part of the powers, prerogatives and functions which the Charter of our city confers upon them, and which they were chosen by the people to exercise : Therefore,

Resolved, That a Committee of five be appointed, to take into consideration the subjects embraced in the above preamble, and to report to this Board, at the earliest practicable period, a method by which the late legislative attacks upon

our constitutional and chartered rights may be most effectually resisted.

By JOSIAH RICH, Alderman of the 7th Ward.

The Select Committee, to whom was referred the annexed preamble and resolution, having endeavored to give that attention to the subjects embraced in them which their vital importance demands, respectfully beg leave to offer, as the result of their labors and deliberations, the following

REPORT:

Your Committee have examined, in detail, the several positions assumed in the preamble, and will proceed to comment upon them in the order in which they occur. The first assumption is, that laws enacted at the late session of the Legislature "obstruct the exercise of the elective franchise." The Constitution provides, (article 2d, section 1st, as amended,) that every "male citizen, of the age of twenty-one years, who shall have been an inhabitant of this State one year next preceding any election, and for the last six months a resident of the county where he may offer his vote, shall be entitled to vote in the town or ward where he actually resides, and not elsewhere, for all officers that now are, or hereafter may be, elective by the people." The Constitution also provides, (article 2d, section 7th,) that "no member of this State shall be disfranchised or deprived of any of the rights and privileges secured to any citizen thereof, unless by the law of the land and the judgment of his peers." It also provides, (article 2d, section 2d,) that "laws may be passed excluding from the right of suffrage persons who have been or may be convicted of infamous crimes."

These several provisions define, so clearly, the rights of electors, and limit, so distinctly, the powers of the Legislature over those rights, that it is matter of astonishment to your Committee that any difference of opinion, on their con-

struction, can be entertained; yet the act of the late session, entitled "an act for the prevention of illegal voting, and for the protection of legal voters in the City of New York," prescribes new qualifications for electors; places the right of suffrage at the disposal of Commissioners of Registry; gives those Commissioners powers which will enable them to subject voters to useless inconveniences, vexations and loss of time; and authorizes Inspectors of Elections to exclude from the exercise of the elective franchise men who possess all the constitutional requisitions, and who have never been convicted of any infamous crime. Your Committee, therefore, declare their conviction, that the first position assumed in the preamble before them, is more than substantiated by the facts.

The second, third and fourth positions of the preamble assume, that late acts of the Legislature "impede the operation of our criminal laws, appropriate money from our local treasury, and divest the Members of the Board of Aldermen of an important part of the powers, functions and prerogatives which the Charter of our city confers upon them, and which they were chosen by the people to exercise." These assumptions have particular reference to an act which authorizes the appointment, by the State Executive, of two Associate Judges in the Court of GENERAL SESSIONS, and aims to exclude the Members of the Board of Aldermen from the position on the bench of justice which was assigned to them by the City Charter as early as 1686; a position which they have occupied without complaint or molestation, and with the unanimous approbation of the community, for more than a century and a half; and where your Committee believe their functions, as Municipal Magistrates, can be more serviceably exercised than in any other station. The Charter of our city is a sacred instrument, which became the property of the city long before the State Constitution was established: it guarantees to our citizens certain rights and privileges, and to its Municipal Magistrates certain powers and functions, which have never been surrendered, and

which have always heretofore been deemed inviolable, and beyond the reach of State legislation, except in so far as they may conflict with the provisions of the Constitution of the United States. Our Charter has withstood the shock of the revolutionary war, which, for a short time, suspended its functions. It was confirmed by the Constitution of 1777, and again by the Constitution of 1821. These acts of confirmation establish it upon the same basis where the Constitution itself rests, and render it a part and parcel of that instrument in its local application. Hitherto, when any essential modification of its legislative or judicial functions was deemed desirable, a convention of the citizens was called, which adopted the proposed amendments; formal application was then made to the Legislature for the passage of an act in conformity to the wishes of the convention; and after that act had passed through all the forms of legislation, at the capitol of the State, it was submitted to the people of the city, for their ratification, before it could become a law. Thus the principle was recognized, that the Charter of the city, in its local application, is a part of the Constitution of the State, and also that it is, in an important sense, **PROPER-
TY**, which cannot be invaded without a direct violation of the seventh section of the seventh article of the Constitution.

The Charter, whose venerable claims to inviolability your Committee has thus briefly attempted to establish, provides for the election of an Alderman to each ward, and, in addition to his other powers, endows him with the functions of Associate Judge in the Court of *General Sessions*, Court of *Common Pleas*, and Court of *Oyer and Terminer*, which offices are, therefore, **ELECTIVE**. The Constitution of 1821 (article 4th, section 15th,) contains expressly these words: "*All officers heretofore elective by the people, shall continue to be elected.*"

Yet, in defiance of all these sacred guarantees, both in the Charter and Constitution, each of itself independent of all others, sufficient to establish their claim beyond all room for ca-

vil or dispute, an act has passed in our Legislature, intended to divest the Members of this Board of that vital function which seats them on the judicial bench, and constitutes them ministers of mercy, while they are arbiters of justice and guardians of the rights of their fellow-citizens,—a high, honorable and responsible station, for which they were chosen by the people, and which they alone are competent to fill; and that arbitrary, unconstitutional and unjust law aims to desecrate that dignified position by the presence of mercenary men, whose only qualification is an executive appointment, and who, your Committee believe, are disqualified by the Charter and Constitution from an exercise of its functions. The only pretence urged in justification of this high-handed outrage, is the seventh section of article fourth of the Constitution, which says: "The Governor of the State shall nominate by message in writing, and by and with the advice and consent of the Senate, shall appoint all judicial officers, except Justices of the Peace." If the construction attempted to be put upon this article be valid, then your Committee would ask by what right the Court for the Correction of Errors exercises its high functions? Composed, as it is, mostly of laymen, who are elected by the people as Senators, why are not the powers of that Court also prostrated at the feet of the Executive? The obvious answer is, because the Constitution has made provision for the construction of that Court, by an article which comes in collision with the one quoted above, and therefore constitutes an exception to the rule by it established.

Your Committee can discover no good reason why those provisions of the Constitution which confirm our Charter, and declare that "all officers heretofore elective by the people, shall continue to be elected," do not constitute an equally clear exception. Your Committee do not feel called upon to express an opinion of the motives which have prompted these acts of aggression; but when they reflect that they were perpetrated in open violation of the Constitution, and

in defiance of the remonstrances of our predecessors; that they impose an onerous tax upon our city against its consent, and that the propositions to refer them to our citizens, for their approval or rejection, were not only arbitrarily, but most uncourteously rejected, they feel constrained to say, that our legislators could have been actuated by no friendly spirit; and to add, that the result of their unaccountable acts, if consummated, will be to constitute an illegal criminal tribunal in our city, before which no legal trial can take place, by which no legal sentence can be passed, and from which no legal conviction can emanate.

Your Committee are led, by these considerations, to the irresistible conclusion, that all the positions assumed in the preamble referred to them are fully sustained; and it now only remains for them to suggest such a method of resistance as the resolution before them contemplates. That attacks upon our constitutional and chartered rights ought to be resisted, by every means at our disposal, we presume will not be questioned. If we suffer our rights to be invaded with impunity, by acts of legislation which prostrate our Constitution and trample our Charter in the dust, we shall forfeit all just claim to the sympathy or respect of our fellow-citizens, and have no reason to expect an exemption from still further and more aggravated encroachments, until our city comes to be regarded as a conquered colony, and the people are reduced to a condition of abject vassalage. It is only by resisting oppression at the outset, that constitutional liberty can be maintained, or the rights of communities transmitted unimpaired to posterity.

The oath which we have taken, places us under a solemn obligation to support the Constitution of the State, and faithfully to discharge *all* the duties appertaining to our office, according to the best of our ability. We should neglect that duty, and consequently violate that oath, if we suffered ourselves to be "disfranchised, or deprived of any of our rights and privileges, unless by the law of the land and the judg-

ment of our peers ;" and we should grossly neglect our duty to our constituents, if we did not use all proper methods to protect our rights, that we may be able to transmit our powers and functions unimpaired to our successors.

In pursuance of these objects, and in order that our purposes may be fully understood, your Committee close their report by offering the following resolutions :

Resolved, That, under a sense of the obligation of this Common Council to maintain the inviolability of our City Charter, as sanctioned by the Constitution and laws of the State, and in order to preserve the benign influence of the popular appointment of some of the Judges of the Court of General Sessions, the several Aldermen, whose province it shall be to preside as Associate Judges in the said Court, at the several terms thereof hereafter to be held, be, and they hereby are, instructed to continue the exercise of their franchises and duties as such Judges, and to exert all the powers which the said Charter confers upon them as Municipal Magistrates, so far as they may become necessary to maintain their position.

Resolved, That we have full confidence in the intelligence and justice of the people of this State, and feel assured that they need only to be informed of the grievances and inconveniences to which we have been subjected by the action of the Legislature, to induce them to interpose a speedy and effectual remedy.

Resolved, That a Committee of be appointed, to prepare an address to the people of this State, setting forth the grievances to which the people of this city have been subjected, and appealing to them, as the sovereign whose power we invoke, to aid us in redressing those grievances.

JOSIAH RICH,
WILLIAM CHAMBERLAIN,
ELIAS L. SMITH.

The first of these is the fact that the
 population of the country has increased
 very rapidly since the year 1800. This
 has been due to a variety of causes,
 but the principal one is the increase
 in the number of children born to each
 family.

The second cause is the increase in the
 number of years of life. This has been
 due to a variety of causes, but the
 principal one is the improvement in
 the medical arts. This has been
 due to the discovery of new remedies,
 and to the improvement in the
 management of the sick.

The third cause is the increase in the
 number of years of life. This has been
 due to a variety of causes, but the
 principal one is the improvement in
 the medical arts. This has been
 due to the discovery of new remedies,
 and to the improvement in the
 management of the sick.

The fourth cause is the increase in the
 number of years of life. This has been
 due to a variety of causes, but the
 principal one is the improvement in
 the medical arts. This has been
 due to the discovery of new remedies,
 and to the improvement in the
 management of the sick.

DOCUMENT No. 5.

BOARD OF ALDERMEN,

JUNE 15, 1840.

The following Law was directed to be printed.

SAMUEL J. WILLIS, CLERK.

AN ACT

TO PREVENT ILLEGAL VOTING IN THE CITY OF NEW YORK, AND TO PROMOTE THE CONVENIENCE OF LEGAL VOTERS, PASSED MARCH 30, 1840, AS AMENDED BY THE STATUTE AMENDATORY THEREOF, PASSED MAY 14, 1840.

[Published pursuant to sec. 8 of chap. 361.]

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ 1. Three Commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate, whose duty it shall be to divide the City of New York into a convenient number of election districts; each district to be entire within one ward, and to contain, as near as may be,

five hundred voters. And the said Commissioners shall make a report, in which they shall designate the said districts by numbers, and also define them by known boundaries, and shall designate the place where the polls shall be held in each district, which shall be, as near as may be, in the centre thereof; and such report shall be accompanied by a map or plan of the ward so divided, showing clearly the several districts in said ward, and shall file said report and map in the office of the Clerk of said City and County. And the said Commissioners shall cause maps to be made of the several wards so divided into districts, copies of which shall be furnished to the Inspectors of Elections in each of the districts of said wards, and shall also be posted up in at least ten public places in each district of said wards, prior to every election. And the Common Council of said City shall, at least ten days before the second Tuesday in April next, for the election to be holden on that day, appoint three Inspectors of Election for each election district in the wards of said city, as divided by the aforesaid Commissioners, agreeably to the provisions of this Act. And all vacancies in the office of Inspectors of Elections, arising from any cause whatever, which shall exist in the said city on Saturday previous to the said second Tuesday in April next, shall be filled on that day by the said Commissioners for dividing said city into districts as aforesaid.

§ 2. At each charter election hereafter to be holden in and for said city, every qualified elector shall be entitled to vote upon the charter ticket for two electors of the ward in which he shall reside, who shall be known and designated as Commissioners of Registry; and also for two electors of the district in which he shall reside, who shall be known and designated as Inspectors of Elections; and the three persons thus voted for as Commissioners of Registry, receiving the greatest number of votes, shall be duly elected and declared Commissioners of Registry for that ward for the ensuing year; and the three persons in each election district who

shall receive the greatest number of votes for Inspectors, shall be duly elected and declared the Inspectors of Elections in said district for all elections for the ensuing year. In case of non-election of any of the Commissioners of Registry, in consequence of any two or more of them receiving an equal number of votes, the County Clerk shall publicly determine by lot which of them shall be the Commissioners for the ensuing year. And in case of a tie between any two or more of the persons voted for as Inspectors of any Election District, the Inspectors of the said Election shall immediately and publicly determine by lot which of them shall be the Inspector or Inspectors for the ensuing year. And in case of the death, removal from the city, or resignation of a majority of the Commissioners for any Ward, then the vacancies thereby occasioned shall be filled by the remaining Commissioners of Registry, and the Alderman and Assistant of the Ward.

§ 3. It shall be the duty of the said Commissioners of Registry of each ward, or a majority of them, at an office by them provided, in some central and convenient place in said ward, publicly proceed, on the first Monday in September of each and every year, to make a perfect list, as nearly as may be, of all persons qualified and entitled to vote at elections in each district in said ward; which list shall constitute and be known as the register of electors of said ward; and the said Commissioners, before proceeding to form such register, shall give public notice of the time and place of proceeding to make such registry, by handbills posted up in at least fifty public places in said ward; and the said Commissioners shall continue in session at least six hours of each judicial day of the week following, and including the said first Monday of September, and shall be in session from three P. M. to nine o'clock P. M. of at least three of the Saturdays in said September. Such public notice shall be given for at least ten days before the time of proceeding to make such register.

§ 4. Said register of electors for each ward shall be so prepared as to contain a separate list of the persons so entitled to vote, residing in each election district of said ward, alphabetically arranged according to their respective surnames, and to show, in separate columns, the names at full length; the occupation, and the residence by the number of the dwelling, if any there be, if none, an accurate location of the same, and the name of the street, place, court, avenue, alley or lane of each person to be registered therein, and the time of such registry.

§ 5. If any person shall offer or claim to be registered as a voter, whom neither of the said Commissioners shall know to be entitled to vote in said ward, or who shall be challenged by any person entitled to vote in said ward, stating briefly the ground of such challenge, it shall be the duty of the said Commissioners, or one of them, to administer to the person so challenged the oaths, and require true answers to all the questions now provided by law to test the qualifications of voters at elections, or so many of them as may be deemed pertinent and proper; and any person guilty of any wilful or corrupt misstatement in the answers to the questions as aforesaid, shall be adjudged guilty of wilful and corrupt perjury.

§ 6. If the person so challenged as aforesaid, or whose right to vote is doubted by either of the Commissioners, shall refuse to answer fully and satisfactorily any questions which shall be put to him as aforesaid, the said Commissioners shall not enter his name on said registry, nor shall they enter the name of any person who shall appear, by the answers he may have given, to be incompetent to vote at elections in said ward; and no person shall be registered unless the Commissioners are fully satisfied that he is a legally qualified voter of said ward, or will become such by the then next election. The names of the persons who shall not personally present themselves to be registered, may be entered in the said registry if they are known to the Commissioners

to be qualified voters, or if they shall be proved by testimony upon oath, satisfactory to the Commissioners, to be qualified.

§ 7. Any person who shall cause his name to be registered for the same election in more than one ward or district in said city, or who shall cause his name to be registered, knowing he is not a qualified voter in the ward or district where the said registry is made, or will not be by the then next election; or being so registered shall vote, or offer to vote, in more than one election district at any one election; and any person causing, aiding or abetting any person to be registered in more than one ward or district for the same election, or in any ward or district where the person so registered is not a qualified and legal voter, or will not be by the then next election, shall be deemed guilty of a misdemeanor, and shall be punished for each and every offence by a fine of not less than fifty dollars nor exceeding five hundred dollars, or by imprisonment in the City Penitentiary for a term not less than three months nor exceeding two years, or both, at the discretion of the Court.

§ 8. The said Commissioners shall complete the registry for said wards respectively, on the second Saturday of October in each year, and shall be in session for at least six hours of each judicial day throughout the week preceding said Saturday; and the said Commissioners, after having completed said list, shall cause one hundred copies thereof to be immediately printed, and shall post up the said list in at least ten public places in each ward; and said Commissioners shall take one third of the remainder of the printed copies, and may distribute them to such electors of the district as he may deem proper; and the Commissioners shall designate the time and place where the poll shall be held in each district, which shall be as near as may be in the centre of each election district. They shall also give notice, on the lists so posted, that during the ensuing week, at their office, they will receive written objections, signed by any elector,

and sworn or affirmed to by such elector, to his best knowledge and belief, to the name of any person contained in the said list, other than those which have been placed there after a challenge and investigation; and the said Commissioners shall hold a final session, during the second week succeeding the close of such registry aforesaid, but especially from eight o'clock in the forenoon to one o'clock in the afternoon, and from three to seven o'clock in the afternoon of the Saturday of said week, to decide objections to any name or names placed on said registry; and no objection shall be entertained other than those which shall have been made in writing as aforesaid; nor shall any objections be entertained against any person who was challenged at the formation of the registry, and whose name, after an investigation, was then placed therein, except for some cause arising since it was so placed. The right of any other person so registered to vote, may be objected to as herein before provided. And it shall be the duty of said Commissioners to cause notice of such objection to be given to such persons; which notice shall either be served personally, or at the residence, as shall appear by said register, of such persons. The same proceedings shall be had in relation to the persons so objected to, as herein before provided respecting persons challenged in the formation of the register; and the names of the persons so objected to shall be inserted, or omitted to be inserted, in the same cases as provided in the sixth section of this Act.

§ 9. The said Commissioners shall file a corrected and certified copy of such registers in the County Clerk's office of the County of New York; and also deliver a corrected and certified copy of the register of votes for each election district, to the Inspectors of said District, on the day before the succeeding election.

§ 10. The Commissioners of Registry of each Ward shall sit during the day next preceding each and every election, and during the day on which said election shall be holden, from the rising to the setting of the sun each day, for the purpose of deciding upon the claim of each person not registered,

who shall claim a right to vote at said election, and shall grant a certificate to each person who shall prove, in the manner now provided by law, that he is a legal voter of said ward; and shall also prove, by his own oath, that he was not entitled, as a duly qualified elector, to have his name registered on or before the second Saturday of October next preceding, or the last day appointed for the revision of said registry before every charter election, but that his right to vote has become perfect since that day; and every certificate so granted shall contain the name, residence and occupation of the person to whom such certificate is granted, and shall immediately be entered in an appendix to the register; and a certificate shall be granted to every other person claiming a right to vote, and whose name is not registered, who, on the day of the election, or the day next preceding the same, in addition to the proof now required by law, shall prove by the oath of at least one witness, to the satisfaction of the Commissioners, that he is a citizen of the United States, is of the age of twenty-one years, has been an inhabitant of this State one year next preceding such election, and for the last six months a resident of the City and County of New York, and is, at the time of applying for the certificate, an actual resident of the district and ward in which he proposes to vote; and said last mentioned certificate shall contain the name, residence, and occupation of the person to whom such certificate is granted, and the name and residence of the witness or witnesses by whom his right to vote was established; and said name, occupation and residence of the person receiving the certificate, and the names and residences of the witnesses, shall immediately be entered in the appendix to the register; and every person receiving either of the certificates provided for in this section, shall be entitled to vote so soon as the said entries shall be made in said appendix. The register and appendix shall be preserved as a record, and delivered to their successors in office, by the said Commissioners.

§ 11. The provisions and regulations of the Laws of this State relating to elections; and all the rights, powers, duties and privileges conferred by law upon Inspectors of Elections of the several towns or wards of this State, shall be taken and deemed applicable to the Commissioners of Registry and Inspectors of Election of the several election districts of the several wards of the City of New York, so far as the same are not modified or altered by the provisions of this Act; and the elections to be holden in and for said city, shall be conducted and managed, and the canvass and estimate of votes, and the return thereof, shall be made by the Inspectors of each Election District, as now provided by law, and the said Inspectors of Election, and their Poll Clerks, shall not be entitled to any compensation for services as Inspectors or Clerks.

§ 12. It shall be the duty of one of the Clerks at each poll in said city, at every election, to have before him the certified list of voters of said district received from said Commissioners, and to check the name of every voter as he delivers in his vote to the said Inspectors; and no person shall be permitted to vote at such election whose name is not on the register of said district, unless he present such a certificate as is prescribed by this Act, in which case his vote shall be especially recorded as a certificate vote, and the certificate shall be received and filed by the Clerk.

§ 13. The register of electors made in pursuance of this Act, and the certificates that may be given to voters under its provisions, shall be conclusive as to the right to vote, of persons so registered, or presenting such certificate; and it shall not be competent for the Inspectors to question any person so registered or presenting such certificate, except as to his identity, which if questioned, shall be decided, if required, by the oath of the voter; and any false swearing in the premises shall be deemed wilful and corrupt perjury.

§ 14. The Commissioners of Registry for each Ward, at least four weeks before every charter election, (held after

the next general election,) shall cause to be printed one hundred copies of the register of voters in each district as corrected, for and during the last preceding general election, and shall publish the same by posting a printed copy thereof in at least ten public places in said district, to which shall be attached a notice of the time and place of meeting of the said Commissioners, for the purpose of revising and correcting the same, and shall distribute the rest of said printed copies in the manner in which printed lists of the voters of each ward are directed to be distributed by the eighth section of this Act; and the Commissioners shall meet three weeks before such charter election, and shall continue in session for at least six hours in each judicial day, for at least one week, and so much longer as shall be necessary to enable them to complete the revision of such registry. Such meetings shall be public. At such meetings they may strike from such registry the name of any person who shall be proved to them to have died, to have changed his residence, or been convicted of an infamous crime, and in no other case whatever; and they shall not strike out the name of any person on the ground of a change of residence, without at least three days' previous notice having been left at the residence of such person as specified in such registry, signed by the said Commissioners, or one of them, specifying his intention to strike out his name on the ground of his no longer being a resident of the ward. But when it appears that an elector has changed his residence from one district to another in the said ward, his name may be transferred to the registry of such district without previous notice. The Commissioners may, at such meetings, make additions to such registry in the following cases only :

1. Of the names of persons who have become qualified electors since the preceding election :

2. Of the names of persons who were omitted in the prior registry in consequence of their inability to claim the inser-

tion of their names. Such inability may be proved by the oath of the claimant, or of any other person :

And in making such additions the said Commissioners shall proceed in the manner prescribed in the fifth section of this Act ; and such names shall be inserted or omitted in the same cases, and upon the same proofs, as provided in the sixth section of this Act, except that the name of any elector who is challenged or objected to, shall not be entered, unless such elector personally present himself to prove his qualifications. The Commissioners shall keep minutes of all erasures or additions made by them in such registry, specifying briefly the grounds and the evidence on which the same were made, which shall be signed by them or a majority of them, and filed with the Clerk of the City and County of New York, within three days after the final adjournment of the said meetings.

§ 15. The Commissioners of Registry for each Ward, elected under this Act, shall at their meeting on the first Monday of September next, make such alterations in the boundaries of each election district within their respective wards, as shall to them appear necessary to equalize the said districts in conformity with the provisions of the first section of this Act ; and the boundaries of each election district thus established, shall remain unchanged for three years thereafter, unless a change is rendered necessary by the division of any ward ; and a general revision of the election districts by the Commissioners of Registry shall take place, in conformity with the provisions of this Act, every third year thereafter.

§ 16. It shall be the duty of the Inspectors of each Election District to which they shall be appointed or elected, and for which they shall have full power, to preserve peace and good order at and around each poll, and to keep the access to the poll open and unobstructed ; and any person who shall refuse to obey their just and lawful commands, when duly and properly communicated to them by one or more of the

said Inspectors, or by such person or persons as they or a majority of them may direct, or any person who shall knowingly, wilfully and maliciously obstruct, hinder or prevent any citizen while on his way to or returning from said poll, or while he is exercising his right and privilege as an elector, or any person who shall knowingly, wilfully and maliciously aid, assist or abet any person in the obstructing or attempting to obstruct, hinder or prevent any person from freely exercising his privilege as an elector, shall be deemed guilty of a misdemeanor, and for each and every offence he shall be liable to a fine of not less than fifty dollars nor more than five hundred dollars, and to be imprisoned in the City Prison until the same shall be paid.

§ 17. Any person offering to vote at any poll in said city, falsely personating or falsely assuming the name of any other person registered as aforesaid, or any person voting more than once at the same election in said city, or who having once voted, shall again offer to vote at the same election in said city, shall be deemed guilty of a felony, and be punished by imprisonment in the State Prison for a term not less than two years nor more than five years.

§ 18. The said Commissioners of Registry shall each receive the sum of two dollars for each day actually and necessarily employed in making said registry and revising and examining the same, which shall be paid to them on the completion or revision of said registry. And they may appoint a Clerk, who shall be entitled to the same compensation; and the expense of providing said books, printing notices and copies of said registry or revision, and all other expenses necessarily incurred in carrying out the provisions of this Act, shall be paid out of the Treasury of the City and County of New York, at the termination of every election. And all powers and duties conferred by law upon said Commissioners, may be exercised by them or a majority of them. And if said Commissioners of Registry, or any of them, shall wilfully violate any of the provisions of this Act, or be guilty

of any fraud in the execution of the duties of their office, they shall be subject to a fine of five hundred dollars, and imprisonment in the Penitentiary of said city not less than six months nor more than two years.

§ 19. All general and special elections, and all charter elections hereafter to be holden in and for the City and County of New York, shall be held for one day only, and the polls shall be open at sunrise and remain open till sunset, when they shall be finally closed; and thereupon the Inspectors of each District shall immediately proceed openly to canvass and estimate the votes, and shall not adjourn said canvass until the same be completed. The elections for Charter Officers, Commissioners of Registry, and Inspectors of the Elections, shall hereafter be holden on the second Tuesday of April of each year. The general election shall hereafter be holden on the Wednesday succeeding the first Monday in November in each year.

§ 20. At the close of the canvass of votes after each election, the Inspectors of each District shall depute one of their number to meet the Inspector so deputed from each of the other districts in said ward, at the office of the Commissioners of Registry of said Ward, or at such place as the Commissioners appointed and provided for by this Act may designate, between the hours of twelve o'clock at noon and one o'clock in the afternoon of the following day, bearing a certified copy of the votes given for each candidate voted for in his district; and the Inspectors so deputed, on assembling at the office of the Commissioners of Registry as aforesaid, or at such place as the Commissioners appointed under this Act may designate, shall proceed to add together and compute the vote given for each person voted for in the several districts of said ward, and make a return of the same in the manner now required by law. And if said Inspectors or any of them, shall wilfully violate any of the provisions of this Act, or be guilty of any fraud in the execution of the duties of their office, they shall be subject to a fine of five hundred

dollars, and imprisonment in the Penitentiary of said city not less than six months nor more than three years.

§ 21. The office of the Commissioners to be appointed by the Governor and Senate, under the provisions of the first section of this Act, shall cease and terminate on the second Tuesday of April next; and the said Commissioners shall be authorized to employ a Clerk, and shall be entitled to receive with their Clerk, the sum of two dollars each per day, for so many days as they shall be actually engaged in the discharge of the duties imposed upon them by this Act, to be paid out of the Treasury of the City of New York.

§ 22. The Common Council of the City of New York, shall assign at least three Constables or Marshals to attend the meetings of each board of Commissioners, whose duty it shall be to serve all notices directed to be given by such Commissioners, and to execute their orders and process in preserving order at such meetings.

§ 23. Every Commissioner of Registry, and their Clerks, before entering on the duties of their offices, shall take and subscribe the oath of office prescribed in the Constitution of this State, before the Clerk of the City and County of New York, or any Judge of any Court of Record therein, which shall be filed in the office of such Clerk.

§ 24. The said Commissioners of Registry, or any one of them, shall have authority to administer an oath to any witness, in relation to any matter in respect to which they are authorized to receive proof by the provisions of this Act; and whenever it shall appear to them that any person is required as a witness before them in relation to any such matter, they may issue process of subpoena, under their hands or the hands of a majority of them, requiring the attendance of such persons before them at a time and place to be therein specified; and any person wilfully disobeying such process, shall forfeit ten dollars to the use of the said City and County of New York.

§ 25. This Act shall take effect immediately after the pas-

sing thereof, and so much of all Acts heretofore existing, relating to elections in the City of New York, as conflict with this Act, are hereby repealed.

State of New York, } I certify that the preceding is a
Secretary's Office. } true copy of "An Act to prevent
illegal voting in the City of New York, and to promote the
convenience of legal voters," passed March 30, 1840, as
amended and corrected by the "Act to amend the Act enti-
tled 'An Act to prevent illegal voting in the City of New
York, and to promote the convenience of legal voters,' pas-
sed March 30, 1840," passed May 14, 1840; and that the
same is published pursuant to the directions of the eighth
section of the said last mentioned Act.

JOHN C. SPENCER,
Secretary of State.

May 23, 1840.

The first of these is the fact that the majority of the specimens are from the same locality, and are therefore of the same age and sex.

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DOCUMENT No. 6.

BOARD OF ALDERMEN,

JUNE 3, 1840.

Report of the Law Committee, on the Communication of the Street Commissioner relative to sums affecting the Collection of Assessments and Taxes by sales of the property assessed. Adopted.

D. T. VALENTINE,
ASSISTANT CLERK.

The Law Committee, to whom was referred the annexed communication of the Street Commissioner relative to laws affecting sales for assessments and taxes, respectfully

REPORT:

That the communication of the Street Commissioner so fully embraces all the facts connected with the subject referred to them, that they deem it unnecessary to go into the details, but refer the Board to the communication for a particular understanding of the subject. The mortgagelaw there referred to was passed during the recent session of the Legislature, and bears oppressively upon sales for assessments and taxes, by requiring the purchasers to give notice of the sale to the

mortgagees, which will necessarily require them to search the records for the purpose of ascertaining them, and to file the certificate of notice, the expense of which will in many cases where the sums are small, exceed any amount of interest which could be derived on the purchase money, consequently no sale could be effected on small sums; where the sums are large, the interests of the owners of the property will be injuriously affected, as the purchasers will take into consideration the labor and expense of making the search and giving the notice, and will in consequence demand a longer term of years. The Street Commissioner recommends that as the time for giving the notice is not limited by law, and need not be given under two years from the sale, that application be made to the Legislature at its next session to repeal so much of the law as conflicts with sales for assessments, and in the mean time that the Common Council guarantee to the purchasers to do all that is required in regard to giving notice to the mortgagees in the event of such notice being necessary.

The Committee have considered this subject, and are satisfied that difficulties will be experienced in effecting the sales without some measure of this kind be adopted, and they are of opinion that the one recommended is best calculated to effect the object in view. They believe that no expense will be incurred by giving the guarantee, as an application to the Legislature to repeal the provisions of law referred to would be so reasonable and proper, upon a representation of the facts, as undoubtedly to effect their repeal. The Committee submit for adoption the following resolutions :

Resolved, That the Committee on Laws and Applications to the Legislature be, and they are hereby instructed to apply to the Legislature at its next session, to repeal so much of the act entitled "An Act to authorize mortgagees to redeem property sold for assessments and taxes as requires the purchasers at such sales to give notice thereof to the mortgagees," so far as the same relate to the City of New York.

Resolved, That in the event of its becoming necessary to give to the mortgagees the notice aforesaid, that the same be given by the Counsel of the Corporation, and the Street Commissioner is hereby authorized to give notice, in the conditions of sale, that the Common Council will give the notice required by law, to be given to the mortgagees, should such notice become necessary.

C. S. WOODHULL,
JOSIAH RICH.

The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting of the Council.

1. Mr. John Smith, of the City of New York.

2. Mr. James Brown, of the City of New York.

3. Mr. William Jones, of the City of New York.

4. Mr. Robert White, of the City of New York.

5. Mr. Thomas Black, of the City of New York.

6. Mr. Charles Green, of the City of New York.

7. Mr. Henry Lee, of the City of New York.

8. Mr. George Clark, of the City of New York.

9. Mr. Richard Hall, of the City of New York.

10. Mr. Benjamin King, of the City of New York.

11. Mr. Samuel Scott, of the City of New York.

12. Mr. Daniel Adams, of the City of New York.

13. Mr. John Taylor, of the City of New York.

14. Mr. William Wilson, of the City of New York.

15. Mr. Robert Young, of the City of New York.

16. Mr. Thomas Evans, of the City of New York.

17. Mr. Charles Hill, of the City of New York.

18. Mr. Henry Scott, of the City of New York.

19. Mr. George Baker, of the City of New York.

20. Mr. Richard Green, of the City of New York.

21. Mr. Benjamin Hall, of the City of New York.

22. Mr. Samuel King, of the City of New York.

23. Mr. Daniel Scott, of the City of New York.

24. Mr. John Adams, of the City of New York.

25. Mr. William Taylor, of the City of New York.

26. Mr. Robert Wilson, of the City of New York.

27. Mr. Thomas Young, of the City of New York.

28. Mr. Charles Evans, of the City of New York.

29. Mr. Henry Hill, of the City of New York.

30. Mr. George Scott, of the City of New York.

31. Mr. Richard Baker, of the City of New York.

32. Mr. Benjamin Green, of the City of New York.

33. Mr. Samuel Hall, of the City of New York.

34. Mr. Daniel King, of the City of New York.

35. Mr. John Scott, of the City of New York.

36. Mr. William Adams, of the City of New York.

37. Mr. Robert Taylor, of the City of New York.

38. Mr. Thomas Wilson, of the City of New York.

39. Mr. Charles Young, of the City of New York.

40. Mr. Henry Evans, of the City of New York.

41. Mr. George Hill, of the City of New York.

42. Mr. Richard Scott, of the City of New York.

43. Mr. Benjamin Baker, of the City of New York.

44. Mr. Samuel Green, of the City of New York.

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97. Mr. Richard Wilson, of the City of New York.

98. Mr. Benjamin Young, of the City of New York.

99. Mr. Samuel Evans, of the City of New York.

100. Mr. Daniel Hill, of the City of New York.

STREET COMMISSIONER'S OFFICE, }
June 1st, 1840. }

The Street Commissioner respectfully reports to the Common Council, that about two months since he communicated to the Board of Aldermen that a petition had been presented in the Senate of this State, for an alteration in the laws relative to the collection of assessments and taxes in this city; and that a bill had been prepared in relation thereto, to be reported to the Senate, containing provisions to which, if passed by the Legislature would be equivalent to the abolition of all laws for the collection of assessments and taxes in the City of New York. The bill was subsequently reported to the Senate and is hereunto annexed.

The undersigned at the request of the Committees on Laws, to whom his communication had been referred, and the Committees on Finance, proceeded to Albany for the purpose of affording the Senators correct information on the subject, and of representing to them the iniquitous character of some of the provisions of the bill, and their onerous and injurious bearing upon the interests of our city. These representations were so far successful as to obtain an extensive and essential revision of the bill, by which all of the provisions of a materially objectional character were struck out, rendering the same harmless so far as the interests of the city are concerned.

But the undersigned has seen published in one of the daily papers, another law passed by the Legislature May 14th, a copy of which is hereunto annexed, which conflicts with, and may perhaps defeat the intended sale of property advertised to take place on the 16th instant. It is entitled "An Act authorizing mortgagees to redeem real estate sold for taxes and assessments," and as the title implies, has been

passed for the protection of mortgagees, to authorize them to redeem property sold for assessments, and to give them a lien on the amount which they shall pay, and the interest, in like manner as if included in the mortgage, to all of which there can be no objections; but other sections have been introduced, for the mere convenience of mortgagees, which impose upon the purchasers at sales for assessments such rigorous and onerous conditions as will preclude them from purchasing. The purchasers are required to notify the mortgagees of the sale, and to demand of him the amount of the purchase money, with the interest, at the rate allowed by law, within six months after such notice. The notice to be given either personally or in the manner required by law in respect to notice of non-acceptance or non-payment of notes or bills of exchange. A notarial certificate to be presumptive evidence of the fact of such notice; which certificate may be recorded, &c.

The sums for the collection of which, on account of various improvements, the approaching sale is to be made, amount to three hundred and twenty-nine thousand dollars, one hundred and thirty-two thousand of which belong to the city, and the remainder to contractors, who have performed the work for which the assessments have been laid. These sums are liens upon about six thousand separate lots or parcels of ground; a great proportion of which vary from two to six dollars on each parcel, the interest on which would not enable the purchasers to search the records to ascertain the mortgagees, and to give them the requisite notice. The expense of the search would greatly exceed the interest on the purchase money, even if the property should not be redeemed in two years, the longest period allowed for redemption; leaving the purchaser no remuneration for his capital or services. Under these circumstances it is but fair to presume that purchasers will not be found, and that the sale cannot be effected unless some action on the part of the Common

Council be taken to counteract the effect of the provisions of the Act referred to.

The undersigned having maturely considered this subject, and feeling the responsibilities of the trust confided to the department over which he has the honor to preside, has deemed it his duty to bring this subject to the notice of the Common Council, and to make such suggestions in the matter as he believes to be best calculated to relieve the subject from that embarrassment and perplexity in which it is now involved; he therefore suggests for this purpose one of three modes, all of which have an ultimate dependence upon obtaining from the Legislature a repeal of so much of the Act referred to as militates against the sales for assessments and taxes in the City of New York :

1st. To postpone the sale until after the meeting of the next Legislature, with a view to the repeal of the provisions of the law referred to: or

2d. To pass such resolutions declaratory of the intention of the Common Council to apply to the Legislature at its next session for a repeal of said provisions as would afford assurances to the purchasers that their exactions would not require to be complied with: or

3d. To pass resolutions guaranteeing that the Common Council will, through their Counsel, do and perform all that the said provisions require in regard to notifying the mortgagees, and to make the same a part of the conditions of sale.

The undersigned recommends the latter mode as the most convenient, effectual and expedient to adopt, as it will render the sale certain, and place the hazard and responsibility of effecting the alteration in the law, or of complying with its provisions, upon the Common Council, instead of the purchasers who might not be willing to incur the risk or the

inconvenience of either. The undersigned is of opinion that the Common Council would be put to no expense or inconvenience in giving this guarantee, as the time for giving the required notice to the mortgagee has not been limited, and need not be given in less than two years from the time of sale, within which time there will be two successive meetings of the Legislature, and consequently two distinct chances of effecting the object in question.

The undersigned does not apprehend that there will be the least difficulty in obtaining the repeal of the provisions in question, on the application of the Common Council. He respectfully submits the foregoing, reminding the Common Council that the sale is near at hand, and that early action will be required.

JOHN EWEN,

Street Commissioner.

DOCUMENT No. 7.

BOARD OF ALDERMEN,

JUNE 29, 1840.

Report of the Law Committee in relation to the publication of reports and resolutions, recommending specific improvements. Laid on the table and ordered to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

Resolved, If the Board of Assistant Aldermen concur, that pursuant to the seventh section of the Amended Charter, all resolutions and reports of Committees which shall recommend any specific improvement involving the appropriation of public moneys, or taxing or assessing the citizens of this city, be published immediately after the adjournment of the Board in which they shall be presented, in all the newspapers employed by the Corporation, and that whenever a vote is taken in relation thereto, the ayes and noes be published in the same manner.

BY ALD. GRAHAM.

The Law Committee of the Board of Aldermen, to whom

was referred the annexed resolution relative to the publication of reports and resolutions of Committees, recommending any specific improvement involving the appropriation of public moneys, or the taxing or assessing of the citizens, respectfully

REPORT:

That upon collating this resolution with the seventh section of the Amended Charter, it appears to be an exact copy of that section. In its present form, therefore, it presents the naked question, whether the Common Council will or will not adopt it in cases where it was intended to apply as their rule of action.

Viewing it in this light, and the Committee are of opinion that this is the only light in which it ought to be considered by them in the form in which it is now presented, they cannot for a moment withhold their ready assent to the resolution. For this portion of the Charter, as also every other part of that instrument ought to receive the unhesitating compliance of the Common Council, whenever their duties shall in any manner or under any circumstances require from them the observance thereof.

It is a highly important provision to the tax paying citizen, and any failure to comply with it according to its true spirit and meaning, being liable to be attended with very injurious and embarrassing results, has probably led to the introduction of this resolution, and the supposed necessity of calling to it the special attention of the Common Council, with the view of avoiding, either from misapprehension or inadvertence, any omission or mistake in so important a matter.

In consideration of this view of the subject, your Committee are in favor of the passage of the resolution.

It has been however intimated to your Committee that doubts have arisen in the minds of some as to the true mean-

ing and construction of the words contained in this resolution, and that some suggestions will be expected from the Committee in their report on this subject. Although such an inquiry is not in the judgment of your Committee embraced in the resolution referred to them, and no opinion seems to be required from them in this respect by the terms of the resolution itself, still, as the subject is one of considerable interest to the public, and inasmuch as it is very desirable that no difference of opinion should exist as to its full and true import, your Committee will not hesitate to submit to the Board such suggestions as, in their opinion, may serve to elucidate the subject, and produce a uniform rule of action in such things as it was intended to regulate.

The seventh section of the Amended Charter of our City declares that the two Boards of the Common Council shall meet in separate chambers, and that a majority of each shall constitute a quorum for business. It prescribes the manner in which the Boards shall be organized, and requires each Board to keep a journal of its proceedings, and that the doors of each be kept open, unless the public welfare shall require secrecy, and that all resolutions and reports of Committees which shall recommend any specific improvement involving the appropriation of public moneys, or taxing or assessing the citizens of said city, shall be published immediately after the adjournment of the Board, under the authority of the Common Council, in all the newspapers employed by the Corporation; and whenever a vote is taken in relation thereto, the ayes and noes shall be called and published in the same manner.

Some have given a very wide and extended meaning to the latter clause of this section, and suppose that it was intended to include within its terms all appropriations of public moneys, and all cases in which the citizens are or may be taxed or assessed for any purpose whatever, and that all the acts and votes of the Common Council, from time to time, which involve either the appropriation of any of the public

moneys, or the taxing or assessing of any of the citizens, should be published in all the newspapers employed by the Corporation, immediately after the adjournment of the Board. Such, however, is not the opinion of your Committee. By the twentieth section of the Charter of 1830, the Common Council are required to publish a full and detailed statement of *all* the receipts and *expenditures* of the Corporation, two months before the annual election of charter officers in each year, for the general information of the citizens. It is this section which contains the Charter provision in reference to city expenditures generally, and provides for the publication of a full and detailed statement thereof, once in each year. But the one now under consideration is circumscribed and confined in its operation to those of a particular character, to wit, such as relate to specific improvements.

If it had been intended that this latter section should have a general application, instead of limiting its operation to expenditures for what might be denominated specific improvements, the convention would have used language better calculated to express that object. If such had been their meaning, they would have said in direct and unequivocal terms, that all *acts* and *measures* of the Common Council involving the appropriation of public moneys, or the taxing or assessing of the citizens shall, together with the ayes and noes thereon, be published immediately after the adjournment of the Board, &c.; and thus left no doubt in the minds of any one as to their true and precise meaning; more especially as it is a subject about which there was not the least necessity for the use of any ambiguous or equivocal mode of expression, but in which the most certain and explicit language could, and no doubt would have been used to give general application to this section in relation to public expenditures, if such had in fact been their intention.

The Convention which framed the Amended Charter of this City, concentrated their united wisdom and experience

in aiming at the greatest possible clearness and precision in its language and construction, and with this view adopted as their model the Constitution of this State, as far as the same could be made applicable. They sought, with great care, the use only of the living language of their time, and such modes of expression as were most familiar to the people, freest from any obscurity or uncertainty of interpretation, and the least calculated to be misinterpreted or misunderstood.

The rule of construction, therefore, to be applied to the present case, is that which conforms most nearly to the general practical understanding of the subject matter in question. The words "specific improvement" constitute the phrase as to the true meaning of which an important difference of opinion is said to exist. The inquiry then is, what is its correct interpretation, and how is it, taken in its connection as used in the 7th section of the Amended Charter, to be construed and understood?

These words, it is confidently believed, are not here used in any loose or indefinite, but altogether in a practical sense, and in the way in which they are commonly used and accepted among men in reference to such acts of the Corporation in regard to property as relate to this subject.

An improvement, to bring it within the operation of this section of the Charter, should be considered, not so much by way of comparison or in reference to other alterations or changes in the city, but more in reference to itself and its own former condition. It should, when separately considered and judged by itself and its own attendant circumstances, form such a new and improved state of things as to be calculated to elevate the character and value of the property in the neighborhood. Such an improvement is always clearly and distinctly marked by its own distinguishing particularities, and it then forms, not merely what is usually termed, in the ordinary acceptance of the word, an "improvement," but, in the language of the Charter, "a specific

improvement." For example, the laying out and completion of the public squares. They are well known and understood by the term "specific improvements;" and although they bear a similitude to each other, they are, at the same time, in their location, name, form, size, and a thousand other particulars, widely marked and distinguished each from the other.

They are improvements which may be emphatically termed *specific*, because each is marked by distinguishing particularities, which are not common to any other, and when taken together make up their distinctive and specific character.

The same may be said of the public markets. So also of the extension and widening, or as the usual phraseology is, improving of streets. Every extension or widening is specifically different, and clearly defined by its locality, length, direction, and numerous other characteristic circumstances, such as designate any one street in the city from every other.

There are other objects of city expenditure, which involve equally with those above mentioned, an appropriation of public moneys, or the taxing or assessing of the citizens, but are not to be considered specific improvements, and cannot, without a manifest perversion of the English language, be so regarded; and cannot, therefore, be embraced within the meaning of the 7th section—such as the machines, implements and apparatus of the Fire Department. These are essential to the arrangement of that department, and are most emphatically of great *public utility*; but they cannot, with the least propriety, in the language of this section, be termed specific improvements.

The purchase of ground and the erection of engine houses are also necessary to that department, and require the frequent appropriation of public moneys, but it will hardly be pretended that the ownership of such property by the public, and its use and occupation by one of the departments of the Corporation, constitute it, in any sense of the

word, an improvement, much less a specific improvement. Such ownership and occupation add nothing, either to the value of that or the adjoining property. On the contrary, it is generally considered by no means advantageous to the neighborhood, and more likely to diminish than increase the value of property in its vicinity.

Wells and pumps are a species of public property, for the payment of which the citizens are assessed, and in most cases it is well known they are considered as a great *public convenience*; but at the same time it cannot be asserted, with any sort of propriety, that they are entitled to the charter distinction of specific improvements.

So also of the pavement of streets, for which the citizens are likewise assessed, or appropriations made from the Public Treasury. The pavement of streets, in the first instance, is in fact only a part of the original improvement, and necessarily incident to the completion of such improvement. All subsequent pavements, after the first pavement, and all repavements and repairs thereof, are merely a restoration of the general original condition of the street, and so far from being construed or considered as a new or specific improvement, are to be regarded, within the meaning of this section, in the nature of necessary amendment or repairs.

Numerous other similar examples might be adduced, embracing the entire range of city expenditures, but the above it is believed will fully illustrate the views of the Committee.

As to the expense, according to this construction, the occasion for it would rarely occur; and as one publication, or a single insertion, would satisfy the requirements of the law, the amount would be very inconsiderable.

But according to the enlarged construction which some have asked for this section, a large number of the reports and resolutions of either Board, immediately after its adjournment, would require to be published in all the newspapers in the employ of the Corporation; thus fixing and entailing

upon the city a continued burden, exceedingly troublesome and oppressive, and from which there would be neither any means or hope of relief.

This consideration alone, strongly inclines your Committee to the construction which they have now put upon this section of the Charter; inasmuch as it is not reasonable to suppose, that the Convention could have intended to attach a condition to the acts of the Common Council so inflexible and onerous as this would have been, perpetually upon the Public Treasury.

These remarks your Committee are conscious are not, in strictness, called for by the resolution referred to them; and they therefore desire that they may be regarded as suggestions, and in that light alone, in the hope, however, that they may be found in some measure useful to those whose duties may cast upon them the necessity of a faithful observance of so important a provision of our City Charter.

In conclusion, the Committee recommend the adoption of the annexed resolution.

All which is respectfully submitted.

C. S. WOODHULL,
JOSIAH RICH,
JAMES FERRIS.

DOCUMENT No. 8.

BOARD OF ALDERMEN,

JUNE 29, 1840.

Report of the Joint Special Committee on the Croton Aqueduct. Laid on the table and ordered to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

The Joint Special Committee, to whom was referred the subject of the Croton Aqueduct, beg leave respectfully to

REPORT:

That the progress already made, and now making, towards the completion of that great work, renders it the duty of your Committee to state, that they have been informed by the Water Commissioners, that it is nearly certain that the water from Croton, will be ready for distribution in the early part of 1842, and that it is scarcely possible to get the pipes cast and laid down over more than one half of the dense part of the city by that time. We have only about thirty-five miles of the pipe laid, and at least one hundred and

sixty in all will be required for the proper distribution of the water. In the City of Philadelphia, they have over one hundred and nine miles of pipe, through which they pass during the driest season of the year about seven millions of gallons of water per day, and an average of about four millions through the year. The revenue to the city from the sale of water for the past year, was over one hundred and twenty-seven thousand dollars. The distribution and incidental expenses of 1837 and 8, were about fourteen thousand dollars per year; but in 1839, in consequence of their dam being much injured by the freshet, their expenses were increased to twenty-four thousand dollars.

The Croton Aqueduct is expected to furnish fifty million gallons of water per day, which may be disposed of to families, or sold for a motive power in manufacturing purposes, provided the mains and pipes laid are of sufficient size to deliver the water in the different parts of the city, without any considerable loss of force below that of the summit level.

Your Committee would state for the information of the Board, that if the Croton water can be sold at the same rate that the water now brings in the City of Philadelphia, it would amount to over one million two hundred and thirty-six thousand dollars. If one half of this amount can be realized by our city, it will pay the interest on the whole cost of the work, and furnish to each tenant one hundred and sixty-eight gallons of water per day, at a cost of five dollars per year.

Your Committee are fully impressed with the greatness of the work now progressing, and the necessity there is that every part of the same should be executed in such a manner as to render it sure to answer the end for which it was designed. In order to enable your Committee better to understand the subject on which they are now called to act, two of their number, with one of the Engineers, and one of the Commissioners of the Water Works, visited Philadelphia

in order to get the benefit of their experience in laying down the water pipes in our city.

We take great pleasure in assuring this Board, that we found in Mr. Graff, the agent for the Philadelphia Water Works, a friend that manifested as great an interest in our enterprise, as though his own reputation was at stake upon the result. From him we received such information in relation to the size of pipes, and the manner of laying them, as will guide your Committee in the plan they will recommend as necessary for the distribution of the water in our city. A description of the different sizes of pipes necessary for this distribution, will be furnished by the Engineers of the Croton Water Works, for the consideration and adoption of this Board.

Your Committee after having made diligent inquiry into the present state of the water pipes now laid down, both here and in Philadelphia, are of the opinion that no time should be lost in making the necessary contracts for pipes to be delivered as fast as they can be laid through the dense part of the city, where the income from the sale of water will be the greatest. The immense expense necessary to supply this city with water from the Croton River, admonishes your Committee of the importance of using every means in their power, to get the principal mains and pipes laid throughout the city by the time the water is ready for distribution, in order that the interest on the whole outlay may not be lost to the city, for want of the mains and pipes for the passage of the water.

Your Committee have endeavored to make themselves acquainted with the principal mistakes that have been made, in supplying cities with water, both in this and other countries, and find that they have originated in consequence of attempting to pass the water through mains and pipes of too small a size—the friction of water being greater than was anticipated, and of course the quantity of water delivered less than was expected.

Your Committee were advised by Mr. Graff, the Principal of the Philadelphia Water Works, to regard the size of the mains and pipes, as a very important part of the reservoir; one that will render it more efficient in the extinguishment of fires, and cause the water to rise nearer the height of the summit level, throughout all parts of the city. Great benefit will be found, by raising our present water tanks in Thirteenth street, to the level of the reservoir on Murray hill, as by this means, the time required for the passage of the water to any point in the lower part of the city will be reduced about one half. It now requires about thirty minutes for the water to obtain its greatest force through the pipes in the City of Philadelphia, in consequence of the smallness of their mains, and their having no intermediate supply to aid, in giving motion to the water when drawn off in greater quantities than usual.

Your Committee take the earliest opportunity to inform this Board, that in their opinion, the interest of the city renders it absolutely necessary that an office should be established, and a complete record of every transaction appertaining to the water pipes, and the distribution of the water in this city, be kept, showing the cost of the pipes, from whom they were obtained, and the quantity on hand, together with a complete description of all the different sizes of pipe now laid down, and to be laid, with the exact dimensions of their offsets in each street, and the distance they are laid from the sidewalk, in order that the size of pipes, and their offsets, may be known from the record, without the necessity of digging up the street to ascertain these facts.

Your Committee find that the duties of the Water Purveyor, render it necessary for him to be absent from the public yard a great part of the time, and that thousands of dollars worth of pipes are passing in and out of the yard, without so much as being counted by any one having charge of the public interest.

No further argument is thought necessary by your Com-

mittee, to show the great importance of a complete organization of an office, where every transaction appertaining to the distribution of the water in the city, should be made a matter of record.

In order that this may be done, your Committee have requested the Water Purveyor to furnish them with as perfect a statement of all the sizes of pipes, and their offsets, and the streets in which they are laid, as the materials now in his possession will enable him to make out; also a full description of the sizes of pipes, with all their branches and hydrants, as they are now laid in the streets, together with a statement of the number and size of pipes, with their connections, now on hand, and also those already contracted for.

Your Committee have also had under consideration the various sizes of mains and pipes necessary, and have conferred with the Engineers and Water Commissioners upon that subject, who are now preparing the map and plan referred to, with a full description of all the mains and pipes that will be required to complete the arrangement for a supply of water to this city. This map, when completed and approved by your Committee, will, with the other statements herewith submitted, be made a part of this report.

In conclusion, your Committee feel bound to press the work to a completion as rapidly as possible, believing that it will save an amount of property from destruction by fire equal to the interest on the whole cost of the work, besides the other advantages of income, security, health, and comfort to our city.

Your Committee would therefore offer the following resolutions :

Resolved, That the Joint Special Committee on the Croton Aqueduct be authorized to prepare an office, with the necessary books and furniture, in order that a correct account may be kept of all matters in any way connected with the subject of furnishing a supply of water to this city, and

that they report an ordinance to establish the aqueduct or water department of the City of New York.

Resolved, That such further power be given to your Committee, as will authorize them to advertise and make contracts for pipes from time to time, as shall be found necessary to complete the work, in accordance with a plan now in progress, if approved and adopted by this Common Council, which plan will be presented as soon as practicable.

The plan herein referred to will be presented as soon as practicable.

PETER COOPER,
WILLIAM CHAMBERLAIN,
SAMUEL NICHOLS.



DOCUMENT No. 9.

BOARD OF ALDERMEN,

JULY 13, 1840.

*Report of the Superintendent of the Alms House, which
was ordered to be printed for the use of the Members.*

SAMUEL J. WILLIS, CLERK.

ANNUAL REPORT,

Showing the number of paupers who have been admitted into the Alms House, from the first day of May, 1839, (including those at the time in the House,) to the 1st day of May, 1840: the number discharged from, and that died in the house during the same period; and likewise the number of paupers now in the house, designating their sexes and places of birth; the number of prisoners and vagrants in the Bridewell and Penitentiary, and the number of patients and lunatics in the Alms House, Hospital and Lunatic Asylum; with an account of donations distributed to outdoor poor, by the Commissioners during the time aforesaid.

Paupers in, and admitted into the Alms House, from the 1st May, 1839, to the 1st May, 1840	7049
Paupers discharged during the same period ..	3272
Paupers eloped during the same period	140
Paupers died during the same period	880

Total discharged, eloped and died 4292

Total remaining in Alms House, May 1, 1840 2757
 Number, including 180 hospital patients, 217 lunatics and 142 children at nurse, on the 1st day of May, 1840, to wit, men 813, women 978, boys 667, girls 299.

Places of Nativity.

<i>City of New York.</i>	<i>State of New York.</i>	<i>United States</i>	<i>England.</i>	<i>Ireland.</i>	<i>Scotland.</i>	<i>Germany.</i>	<i>France.</i>	<i>Sweden.</i>	<i>West Indies.</i>	<i>Prussia.</i>	<i>Italy.</i>	<i>South Amer.</i>	<i>Africa.</i>	<i>Unknown.</i>	<i>Total.</i>
1121	102	248	213	830	72	98	13	7	6	1	0	1	4	41	2757

Number of prisoners and vagrants in the City Prison or Bridewell 1st May, 1840 146

Number of prisoners and vagrants in the Penitentiary 566

Cash—donations to out-door poor during the last 12 months \$9,157 96

Wood distributed to out-door poor for the last 12 months 4145½ loads, including carting and piling.

Turf—145 chaldrons.

Liverpool coal 38 chaldrons.

Anthracite coal 266½ tons.

Amounting to (including charges of carting, &c.) 13,377 86

Potatoes distributed, say 12,183 bushels, amounting to (including carting and carrying in).... 3,600 98

\$26,136 80

JOHN MYER, *Superintendent*, June 20, 1840.

The Superintendent of the Alms House respectfully communicates to the Common Council (in addition to his annual report,) that the following named articles have been manufactured by the paupers for the Alms House during the past year, to wit, from May 1st, 1839, to May 1st, 1840:

Number of yards of woollen cloth manufactured for			
Alms House	.....		5003
Number of yards	do.	for Penitentiary	3760
Do.	cotton shirting for the Alms House		17,289
Do.	cotton sheeting	do.	1118
Do.	cotton chambray	do.	4665
Do.	rag carpet	do.	157
Total number of yards			31,995

Number of pounds of cotton cord for Alms House	25
Do. stocking yarn	do. 587

No. of pairs of shoes made and mended for do.:

625 Pair of men's shoes made, worth 12s. per pair	\$937 50
584 Do. women's do.	8s. per pair 584 00
183 Do. children's do. 62 at 3s. 121 at 5s. per pair	137 62
3767 Do. mended	at 4s. per pair 1883 50

Clothing made.

268 Woollen house jackets, mens'.

326 Do. trousers, do.

70 Burlaps, jackets, do.

138 Do. trousers, do.

385 Boys' suits woollen.

443 Do. do. burlaps.

15 Men's woollen pea coats.

13 Do. satinets jackets.

13 Do. satinets pantaloons.

11 Boys' suits satinets.

Shirts—mens' and boys'	3458
Chemises—women's and girls	2670
Stockings, pairs of	301
Women's and girls' frocks	849
Ditto petticoats	1753
Ditto short gowns	791
Aprons	2004
Pillow cases	1704
Sheets	2372
Bedticks	1766
Bed-spreads	275
Pillow ticks	1546
Bonnets	579
Caps	285
Women's handkerchiefs	733
Shrouds	715

Soft soap made at the Soap House, from May 1st, 1839, to May 1st, 1840 :

62 boilings, each boiler 50 barrels.—Total 3100 barrels,

An average of 17 barrels of flour per diem is made into bread by the paupers.

Carpenter's Shop.

1918 Coffins made, and other work, including repairs done in and about the Institution.

JOHN MYER, *Superintendent*, June 20, 1840.

THE
FOLLOWING IS A LIST OF THE
OFFICERS

Attached to the different Departments of the
ALMS HOUSE AND PRISON ESTABLISHMENT, viz.:

ALMS HOUSE, BELLEVUE.

Henry Tappin, *Chaplain.*
A. Van Cleef, *Clerk.*
Peter Raynolds, *Assistant Clerk.*
George Anderson, *Steward.*
Peter A. Ostrom, *Assistant Steward.*
Abraham Hyatt, *Shoemaker.*
Theron R. Bennett, *Baker.*
Jacob Schureman, *Carpenter.*
Andrew Henderson, *Superintendent Factory.*
Eliza Hegeman, *Matron.*
Eliza Heaton, *Assistant Matron.*

HOSPITAL.

Alexander F. Vaché, *Resident Physician.*
James Crawford, *Steward.*
John T. Marselis, *Apothecary.*
Jane King, *Nurse.*

LUNATIC ASYLUM.

John McClelland, *Assistant Physician*.
Richard O. Dwyer, *Assistant Keeper*.
Maria Bishop, *Matron*.
Elizabeth Craig, *Nurse*.
Eliza Ring, *Nurse*.

LONG ISLAND FARMS AND NURSERIES.

Nicholas Morrell, *Assistant Physician*.
William H. Guest, *Superintendent*.
Peter Colyer, *Farmer*.
Jane Ley, *Matron*.
Eliza Guest, *Assistant Matron*.
Mary Strong, *Nurse*.
Mary A. Myer, *Cook*.

OLD ALMS HOUSE, *Park*.

Josiah Mann, *Agent of Commissioners*.
David B. Mitchell, *Clerk to ditto*.
James Quackenbush, jr., *Visitor*.
James Taylor, *Visitor*.
Joshua D. Brown, *Hearse Driver*.
Michael Berryman, *Deputy Hearse Driver*.
Alice Frasier, *Matron*.
Catherine Matthews, *Cook*.
House Keeper for Agent.

BLACKWELL'S ISLAND.

John W. Brown, *Keeper*.

John Bogert, *Deputy Keeper*.
William M. Howell, *Deputy Keeper*.
Daniel Kearney, *Deputy Keeper*.
Francis Henriatly, *Quarry Master and Keeper*.
John Galliker, *Assistant Quarry Master and Keeper*.
Martin Beebee, *Carpenter and Keeper*.
Richard Murray, *Shoemaker and Keeper*.
William Kniffen, *Blacksmith and Keeper*.
Thomas Cooper, *Guard and Keeper*.
James King and John Perseany, each, *Guard and Keeper*.
Lodowick Fick, *Guard and Keeper*.
James Erwin and William Overstock, each, *Guard and Keeper*.
Asa Whiting and John Van Brunt, each, *Guard and Keeper*.
Elijah Blakeman and Thomas Keating, each, *Guard and Keeper*.
Thomas Leslie and Lewis Bowne, each, *Guard and Keeper*.
Conrad Shunagar and Joseph B. Smith, each, *Guard and Keeper*.
Garrit De Groot and Lawrence Lavin, each, *Guard and Keeper*.
William F. Bishop, *Guard and Keeper*.
Morgan Mott, *Guard and Keeper*.
Martin O'Key, *Guard and Keeper*.
James Wiggins, *Gardener and Keeper*.
Jane Fisher, *Matron Female Penitentiary*.
F. Raymond, *Coxswain*.
Mrs. Wm. M. Howell, *Matron, Middle House*.

HOUSE OF DETENTION.

James E. Hyde, *Keeper*.
Alexander H. Stewart, *Deputy Keeper*.
Malachi Fallon, *Deputy Keeper*.
Shubal Swain, *Deputy Keeper*.

David Kissner, *Deputy Keeper*.
Davison Johnson, *Deputy Keeper*.
William H. Patrick, *Deputy Keeper*.
A. B. Purdy, *Deputy Keeper*.
Washington Q. Hutton, *Stage Driver*.
Robert I. Lamoree, *Engineer*.
Charles Bird, *Keeper Upper Police*.
Richard Crawford, *Keeper House Detention at Harlaem*.
David Kissner, *Watchman*.
A. B. Purdy, *Watchman*.
Malachi Fallon, *Watchman*.
Davison Johnson, *Watchman*.

JOHN MYER,

Superintendent Alms House.

INVENTORY

OF STOCK IN POSSESSION OF THE SEVERAL

OFFICERS

OF THE DIFFERENT DEPARTMENTS OF THE

Bellevue Alms House Establishment.

April 30th, 1840.

STEWARD'S DEPARTMENT.

Dry Goods.

	56 cots
	1 iron bedstead
47½ pieces gray cloth, fulled,	929 bed ticks
1418 yards	787 pillow ticks
11 pieces prison stripe, 330	830 sheets
yards	562 pillow cases
60 pieces German burlaps,	488 bed spreads
8679 ells	891 pair blankets
34 pieces Scotch burlaps,	
1916 yards	
2 remnants cotton duck,	
130 yards	

Crockery.

Bedsteads, Beds & Bedding.

	86 stone pitchers, ½ gallon
	396 chamber pots
	121 pitchers, assorted sizes
	18 bed pans
427 bedsteads, single	16 white bowls
125 bedsteads, double	14 dinner plates

Tin and Hardware.

21 dozen tin cups, (pints)
 416 tin pans
 5 tin bleeding basins
 18 tin dippers
 21 tin oil fillers
 644 tin pans
 121 tin cups
 44 tin dippers
 30 tin wash-hand basins
 540 iron spoons
 10 pair tongs
 13 shovels
 19 iron pokers
 10 axes
 5 pair andirons
 30 dinner knives
 34 dinner forks
 3 coal scuttles
 15 iron pots
 10 sheet iron boilers
 2 tin tea kettles
 6 iron kettles
 8 saucepans
 6 frying pans
 34 smoothing irons
 2 pair scales and weights
 1 set tin liquor measures
 3 dust pans
 1 tin chamber pail
 2 hatchets
 2 meat saws
 2 hammers
 4 coal sifters
 25 razors

9 pair common scissors
 3 tailors' irons
 lot of mason's tools

Clothing.

244 men's jackets, burlaps,
 new
 70 pair men's trousers, bur-
 laps, new
 380 boys' suits, burlaps, new
 24 boys' jackets, do do
 36 men's jackets, burlaps,
 cut out
 59 men's trousers, burlaps,
 cut out
 127 boys' suits, burlaps, cut
 out
 30 men's jackets and trou-
 sers, second hand
 193 men's woollen trousers,
 second hand
 159 men's jackets, second
 hand
 30 men's shirts, second hand
 6 pea coats for boatmen
 17 pair boys' shoes
 9 shrouds

Groceries, Provisions, &c.

8 boxes brown sugar
 56 chests hyson skin tea
 21 tierces rice
 5½ tierces beans
 15½ boxes chocolate

50 lbs. starch	5 tierces dried codfish
36 lbs. mustard	3 tierces field peas
3½ kegs ginger	700 bushels potatoes
46 lbs. snuff	5 bushels coarse salt
160 lbs. crackers	2 sacks fine salt
1318 lbs. pilot bread	75 Bath brick
264 lbs. medium bread	16 window brushes
100 lbs. navy bread	3 dusting brushes
250 lbs. barley	15,500 lbs. oakum
120 lbs. black pepper	2 tons old junk
160 lbs. allspice	1,400 lbs. flax
313 lbs. hard soap	59 smoked hams
30 lbs. mould candles	37 smoked chops
17 lbs. lamp wick	97 smoked beef
2 tubs Welch butter	
1½ firkins butter	<i>Furniture in the Wards.</i>
8½ kegs lard	36 tables
13 barrels beer	42 long benches
54 lbs. seine twine	211 stools
13 lbs. brown twine	28 corn brooms
6 bed cords	18 chairs
53 new meat nets	16 whitewash brushes
2½ doz. whitewash brushes	143 pails
6½ doz. scrubbing brushes	59 tubs
53 corn brooms	3 small stands
44 cedar pails	8 table cloths
44 oak pails	3 long house floor brushes
6 coils tarred rope	88 molasses hogsheads
66 lbs. beeswax	60 pork and beef barrels
15 hhds. molasses	35 rice tierces
4 barrels vinegar	500 flour barrels
125 lbs. fish	
25½ barrels pork	

FARMER'S AND ASSISTANT STEWARD'S DEPARTMENT.

<i>Farming Utensils, &c.</i>	2 yokes, (complete)
	3 ox chains
2 yoke of oxen	2 ox carts

9 ploughs
 4 harrows
 3 sickles
 2 scythes and snathe
 6 corn baskets
 6 hay forks
 8 manure forks
 9 hoes
 10 shovels
 3 crowbars
 2 picks
 3 sledges
 6 hay rakes
 2 iron garden rakes

Boats, &c.

1 gig boat, with oars and sails
 complete
 2 lumber boats with six oars
 each

Wood and Coal Yard.

100 loads pine wood
 120 loads oak
 20 ton of coal

Stables and Barns.

50 bushels ground feed
 25 hundred corn meal
 12 cows, (4 milked)
 1 bull
 71 hogs
 3 hearses
 1 privy cart

3 horses
 2 market waggons
 2 single waggon harness
 3 cartmen's carts
 2 grocery carts
 1 furniture cart
 3 sets of cart harness
 3 stone drags
 2 lumber sleighs
 2 pleasure sleighs
 2 bread carts
 105 bales hay
 45 bales straw
 600 bunches straw
 1 large pleasure waggon
 2 small pleasure waggons
 1 double set harness
 2 single pleasure harness

Cook House.

1 large table
 4 skimmers
 2 copper ladles
 8 pails for use
 5 boiler covers
 2 meat forks
 2 large bread baskets
 3 large meat tubs
 1 small pair scales and
 weights, complete
 1 large pair scales and
 weights, complete
 2 hand saws
 7 butcher knives
 74 meat nets, for cooking for
 mess hall, &c.

SHOE, &C. DEPARTMENT.

3000 lbs. damaged sole leather	15 sides of grain neats' leather
87 pair women's uppers	7 sides of horse leather
67 pair men's uppers	29 seats
8 hammers	22 sets of tools
8 pair pincers	2 stoves and pipes
6 rasps	124 lasts
2 dozen pieces shoe binding	
4 lbs. shoe thread	The average number of men has been 14

MATRON'S DEPARTMENT.

5 feather beds	6 pair shovels and tongs
5 bedsteads	2 stoves
5 stands, basins & pitchers	10 6-12 brass stair rods
25 pair sheets	6 dozen oval dishes
20 pair pillow cases	30 dozen plates
20 blankets	6 pair pitchers
10 bedquilts	20 vegetable dishes
10 dozen towels	6 tureens
150 yards ingrain carpet	8 dozen tumblers
2 rugs	6 dozen knives and forks
160 yards old rag carpet	1 pair celery glasses
1 sideboard	11 water decanters
5 dozen chairs	10 pair water decanters
9 mahogany tables	3 dozen wine glasses
7 pine tables	4 castors
1 clock	20 table cloths
2 stands	6 tea trays
1 settee	5 dozen cups and saucers
1 looking glass	3 sugar bowls
5 pair brass candlesticks	12 gravy boats
1 pair brass andirons	8 salt cellars

2 composition urns	2 tin reflectors
7 dish covers	1 fish kettle
3 silver ladles	6 iron pots
5½ dozen silver table spoons	2 frying pans
2½ dozen silver tea spoons	2 brass kettles
5 mustard spoons	Saucepans and other kitchen
4 salt spoons	furniture
2 pair glass preserve dishes	2 bbls. crushed white sugar
2 dozen glass preserve plates	2 half-chests green tea
1 hall lamp	2 quarter-chests black tea
3 tin ovens	

ASSISTANT MATRON'S DEPARTMENT.

24 pieces furniture check	50 comfortables
7 pieces apron check	186 pair of boys' brogans
104 yards flannel	47 pair of small shoes
1312 yards muslin, bleached, (49 pieces)	62 lbs. sewing cotton
1080 yards chambray	8 lbs. brown thread
460 yards gray linsey	250 pillow cases
3 bales gray linsey, (not opened)	198 sheets
885 yards red linsey	150 bed spreads
689 yards burlaps	127 shrouds
1 bale do. (not opened)	147 short gowns
3420 yards domestic muslin	298 boys' shirts
5394 yards calico, (coarse)	83 tow frocks
10 pieces blue muslin	21 linsey frocks
5 pieces Russia diaper	56 chambray frocks, (large)
5 do constitution stripe	100 tow chemises
11 pieces (270 yds.) calico	98 tow shirts
4 dozen handkerchiefs	110 muslin shirts, (large)
150 lbs. of yarn	218 muslin chemises, (large)
142 blankets	198 bed ticks
92 blankets, (new)	100 pillow ticks
	98 chambray frocks, (girls')
	50 do do, (infants')

80 pair pantalets, (boys')	94 feather beds
92 fur caps, (boys')	503 bed spreads
54 pair men's socks	139 feather pillows
46 bonnets	890 cribs
5 packs pins	
90 petticoats, (womens')	<i>Factory.—Stock and Machi-</i>
120 petticoats, (infants')	<i>nery on hand.</i>
200 aprons	
5 lbs. bonnet wire	58 cotton warps, 200 yards
142 chemises, (girls')	each
37 calico frocks, (girls')	About 600 lbs. cotton filling
112 chemises, (infants')	Wool, 4200 lbs.
98 caps, (womens')	1 bale cotton filling, No. 6,
1 jar of snuff	200 lbs.
6 pair of shoes, (womens')	Blue filling, No. 6, 75 lbs.
1 chest of tea, (black)	2 carding machines, in good
66 dozen pair of domestic	order
stockings, (large)	1 picker, in good order
60 dozen pair of domestic	1 stocking yarn twister, in
stockings, (womens')	good order
36 dozen pair of domestic	2 spinning jacks, in good or-
stockings, (girls')	der
52 dozen pair of domestic	19 looms, with the exception
stockings, (infants')	of the lathes, in good
1 roll of black cloth	order
1101 blankets	1 carpet warp, 60 yards
616 sheets	

INVENTORY OF FURNITURE

IN POSSESSION OF THE RESIDENT PHYSICIAN, BELLEVUE
HOSPITAL.

May 1, 1840.

Dining Room.

1 carpet (worn out!)
2 mahogany dining tables
2 cherry end tables
1 coffee urn, 1 bell
14 Windsor chairs
1 pair candlesticks
1 table brush, 2 table covers
4 pitchers
18 dinner plates
4 large dishes
11 silver table spoons
16 silver tea spoons
1 plated castor
2 glass salts
2 silver salt spoons
18 tea plates
8 egg cups
10 custard cups
30 yards rag carpet
1 dozen cups and saucers
15 knives and forks

Assistant Physician's Room.

2 Bedsteads, 2 feather beds

4 feather pillows, 1 table
1 toilet table, 2 wardrobes
2 wash stands
2 wash basins, 2 pitchers
2 tumblers
2 white muslin window
shades
4 Windsor chairs
1 ingrain carpet, (worn out)

Room opposite Assistant's.

2 low post bedsteads
1 feather bed
1 wash stand
1 basin and pitcher
2 tables

Apothecary's Room.

1 bedstead, 1 feather bed
2 bolsters and 2 pillows
1 table, 3 chairs
1 wash stand
1 basin and pitcher

Office.

5 Windsor chairs

- 1 table
- 1 writing table

Kitchen Furniture.

- 1 tea kettle, 1 coffee kettle
- 4 dinner pots
- 6 new tin pans
- 1 fish kettle, 2 cullenders
- 2 tin kettles
- 2 large tin basins
- 1 copper skimmer
- 1 tin skimmer
- 3 tin wash basins
- 10 muffin rings
- 2 tin ovens
- 2 gridirons
- 1 frying pan, 1 toaster
- 1 iron ladle, 3 tin dippers
- 2 skillets, 2 spiders
- 3 tables, 5 pails
- 3 large dishes, 1 spice box
- 6 knives and forks
- 10 spoons
- 2 pepper boxes, 1 flour box
- 1 bread tray, 1 shovel
- 1 pair tongs, 1 pair andirons
- 2 chairs, 1 brass kettle
- 6 smoothing irons

Halls.

- 2 globe lamps, 4 square do.
- 20 hand lamps
- 1 large stove pipe
- 8 tin spittoons

- 25 wood spit boxes

Assistant Physician's Room.

- 8 pair sheets
- 18 pillow cases, 6 spreads
- 3 sets bed valances

For use of Patients.

- 729 sheets, 269 pillow cases
- 317 spreads, 615 blankets
- 225 tin pans, 183 tin cups
- 160 spoons, 226 bedsteads
- 50 pails, 205 benches
- 25 tables, 198 chambers
- 12 chairs, 50 pitchers
- 300 bed ticks, 326 pillow do.
- 13 tea kettles

Store Room.

- 1 barrel beer
- $\frac{1}{2}$ pipe brandy
- $\frac{1}{2}$ pipe wine
- 30 lbs. sugar
- $\frac{1}{2}$ barrel fish
- 50 lbs. butter
- 20 lbs. coffee
- $\frac{1}{4}$ barrel flour
- $\frac{1}{2}$ barrel rice
- 6 lbs. tea
- 3 standing casks
- 1 barrel biscuit
- $\frac{1}{2}$ dozen bed pans
- 5 tin measures

- $\frac{1}{2}$ box chocolate
- 1 table, 1 chest drawers
- 1 wash stand, 1 basin
- 1 demijohn, 4 kids
- 4 tin funnels
- 2 scales and weights
- 1 molasses can
- 1 stove and pipe
- 15 gallons molasses
- 1 haud cart
- 3 wheelbarrows
- 6 coal scuttles

Surgical Instruments.

- 1 case of eye instruments
- 1 " of trephining and hernia instruments
- 1 scalpel, 1 vistourie and one pair of scissors missing
- 1 case containing stomach pump, tubes, &c.
- 1 case incomplete, (odds and ends)
- 1 case of amputating instruments, very inferior and incomplete
- 1 case lithotomy instruments, incomplete
- 1 case of trephines, incomplete
- 1 case of scalpels and vistouries
- 1 case of apparatus for suspended animation, incomplete
- 3 pessaries
- 1 box for ligatures, &c.
- 1 set of pullies
- 1 speculum vaginæ
- 1 speculum auris
- 1 pocket case
- 1 pocket case, incomplete
- 1 pair of straps for fractured patella
- 1 box containing a large syringe, and curved tube
- 1 old scarificator
- 2 cauterizing irons
- 2 trochars
- 1 crotchet, with blunt hook
- 1 pair of obstetrical forceps
- 1 obstetrical trochar
- 4 small saws, (old and good for nothing)
- 1 tourniquet, 1 cupping glass
- 1 nipple glass, 26 trusses
- 5 double-inclin'd planes, good
- A large number of old splints, various kinds and sizes
- 6 straight steel stricture instruments, (new)
- 1 caustic instrument
- 1 caustic instrument, (broken)
- 3 silver sounds
- 2 steel staffs.

- | | |
|---|--|
| 1 tin box full of calhelters and
bougies | 2 pair of forceps, (dressing)
Leeches |
| 3 pair of teeth forceps, (1 in
Alms House) | A large assortment of sundry
and divers drugs and medi-
cines, in apothecary's shop,
not necessary to specify |
| 3 turnkeys, (2 in Alms
House) | |

INVENTORY OF ARTICLES

IN THE

PENITENTIARY AT BLACKWELL'S ISLAND.

May 1, 1840.

Male Clothing, &c.

500 linen shirts, (good)
 100 linen shirts, (indifferent)
 300 woollen pants. (good)
 120 do. do. (indifferent)
 302 woollen jackets, (good)
 60 woollen jackets, (indifferent)
 500 linen pantaloons, (new)
 100 linen pantaloons, (indifferent)
 350 woollen caps
 225 pair men's shoes, (new)
 395 pair of men's shoes, (partly worn)

Female Clothing, &c.

445 linen chemises, 263 frocks
 200 woollen frocks
 90 petticoats
 47 pair shoes (new)
 200 pair shoes (in use)

Bedding, &c.

247 straw beds
 169 cots and bedsteads
 1481 blankets
 213 sheets
 24 pillow cases

Furniture in the Middle House.

39 chairs
 8 pine tables
 3 table cloths
 1 stove and pipe
 37 dinner plates
 30 soup plates
 1 vegetable dishes, (indifferent)
 3 dozen cups and saucers
 1 dozen bowls, 3 pitchers
 33 table spoons
 34 tea spoons
 2 dozen knives and forks

- | | |
|--|---|
| 3 sets castors, 1 set indiffe-
rent | 3 indifferent anvils |
| 2 tin coffee pots | 2 new bellows |
| 4 tin teapots, 1 sugar dish | 3 indifferent bellows |
| 1 slop bowl, 34 tumblers | 2 sets stocks and dies, with
tops |
| 1 tin soup tureen | 4 vices, (3 of them indiffe-
rent) |
| 3 tin dippers, 1 knife box | 1 turning lathe |
| 2 dozen towels | 4 bit stocks |
| 3 tin dust pans | 50 pair tongs, 30 hammers |
| 14 salt cellars, 10 tin lamps | 8 sledges, 40 gauges |
| 2 oil cans | 40 punches |
| 1 glass hall lamp | 40 heading tools |
| 2 carving knives, (indiffe-
rent) | 30 mandrills |
| 4 tin wash basins | 6 set hammers |
| 2 dinner pots, 2 frying pans | 3 beck irons |
| 2 iron tea kettles | 2 pair shears |
| 2 dutch ovens, 16 tin pans | 1 hatchet stake |
| 2 dozen tin pie dishes | 1 square stake |
| 1 dozen tin cups | 2 box wrenches |
| 2 chopping knives | 3 screw wrenches |
| 1 gridiron, 2 tin graters | 1 set shoeing tools |
| 2 tin coffee strainers | 30 pair horse shoes |
| 3 kitchen tables, 7 benches | 43 chisels and points |
| 12 pails, 2 pair tongs | 20 bars $\frac{3}{4}$ -inch square iron |
| 2 shovels, 5 wash tubs | 14 bars $\frac{3}{4}$ -inch round iron |
| 3 smoothing irons | 1 bundle Russia sheet iron |
| 2 pair andirons | 8 bars cast steel |
| 1 tin watering pot | 1 bundle bale iron |
| 1 tin quarry machine and
fixtures | 1 bundle $\frac{1}{2}$ -inch, round |
| | 100 set $\frac{1}{2}$ -inch, round, and
wedges |
| <i>Tools, &c., in Blacksmith's
Shop.</i> | 8 feet copper bolt |
| | 1 copper needle |
| | 1 drill frame, 2 ash pans |
| 4 new-faced anvils | 4 pair hinges, 2 new chairs |

65 tons of coal
8 nail hammers, (new)

Tools in the Shoemaker's Shop.

45 shoe knives
40 shoe pincers
20 shoe rasps
4 gross awl blades
32 lbs. shoe nails
6 gross tacks
32 shoe hammers
27 shoe benches
100 lasts, 4 pair clamps
1 pair boot trees
2 pair boot crimps
8 sand stones
1 punch, knife and brake
20 last hooks, 1 writing desk
20 sheep skin aprons
48 strips binding
200 heel balls
200 awl helves
37 lbs green shoe thread
2½ lbs. filling shoe thread
33 pair shoes, fitted
808 lbs. sole leather, (good)
202 lbs. sole leather, (damag'd)
6 horse skins for uppers
38 kipp skins for uppers
18 sides dry hydes
20 hydes slaughtered hydes
6 sheep skins
Lots of sole offal

Carpenter's Tools, &c.

1 brace and 24 bits
9 augers, (second-hand)
39 moulding planes
32 bench planes
4 jack planes, (good)
7 hammers
4 smoothing planes
1 plough plane, (7 irons)
1 panel square
2 bevils, 11 handsaws
2 spoke sheaves
2 hatchets
30 chisels and gouges
6 mortice chisels, (old)
1 whipsaw and box
12 second-hand drawing-knives
5 second-hand turning chisels and gouges
3 squares
1 mortice gauge
2 screw drivers
3 pair match planes
50 gauges
3 panel gauges
3 tenon saws
3 flat files, (second-hand)
1 narrow axe
13 pair 3-inch bits
16 pair 2-inch bits
3 gross 1½-inch screws
4 gross 1-inch screws
4000 rivets for pails

4 panel locks and trim- mings	<i>Stone Cutter's and Mason's Tools.</i>
4 mallets	
3 oil stones, second-hand	5 stone axes
1 diamond	16 steel points
1 glue pot, 7lbs. glue	11 stone chisels
3 rabbit planes	6 striking hammers
1500 large pail rivets	7 brick trowels
300 lbs. white lead	1 plastering trowel
20 lbs. putty	8 lathing hammers
4 lbs. rose pink	3 mitreing tools
14 lbs. red lead	2 sand screens
9 pair brushes	1 white mortar sieve
24 lbs. litharge	4 stone hammers
$\frac{1}{2}$ lb. Prussian blue	6 white-wash brushes
12 gallons oil	
156 coffins	<i>Quarry Tools, &c.</i>
88 cedar pails	
55 oak pails, 184 kids	3 ox carts, 1 truck
61 pails without bails	2 jack screws
6 new barrows	16 kegs powder
10 ox bows	40 wheelbarrows
29 new barrow wheels	16 sledges
129 unfinished barrow bodies	21 crow bars
4 bundles hoops, each 56lbs	19 striking sledges
1 grindstone and box	15 augers
5 pieces square timber for carts	19 shovels
4 axletrees	6 pickaxes
116 feet ash plank	3 derricks
318 feet oak plank	3 blocks and fanel
296 pieces coffin boards, 4,061 feet	3 yoke of oxen
61 joists, 28 bundles laths	3 anvils
475 shingles, 26 beams	2 bellows
	4 hammers, 3 sledges
	9 pair tongs, 1 vice

Male Prison.

8 hall lamps
3 stoves, with pipe

Store Room, (articles new.)

60 tin pans, 84 tin cups
9 white-wash brushes
6 tin dippers
3 tin wash-hand bowls
12 pieces burlaps
50 lbs. yarn
6 scrubbing brushes
40 lbs. iron wire
72 iron but hinges
5 gross screws
24 iron spoons
2 jack planes
3 smoothing planes
1 barrel glue
8 garden hoes
12 shovels
9 boxes glass
5 scythe sneathes
3 boxes chrome yellow
2 dust brushes
2 lbs. emery
12 lbs. allum
1½ lbs. lampblack
1 qr.-keg black lead
1 cask lamp oil, 80 gallons
1 set scales and weights
3 barrels lime, 30 bags meal
½ tierce rice

10 hhds. molasses
1 copper oil tank, (old)

Barn.

4 milch cows, 2 heifers
1 yearling calf, 1 bull
2 horses
2 farm carts
1 box cart
3 sets cart harness
1 straw cutter
2 ploughs, 2 harrows
1 fanning mill
1 ox cart
9 hay rakes
5 hay forks
4 dung forks
4 shovels, 4 spades
6 garden rakes
2 small hoes
2 large hoes
2 sharing hoes
5 scythe sneathes
219 bushels seed potatoes
400 bushels common potatoes
20 bushels turnips
15 bushels beets
4 barrels pork
22 hams, 25 shoulders
11 cheeks
50 cwt. hay
16 hogs
7 sows and pigs
10 hogs, 5 pigs

Female Hospital.

41 pails
 99 tin pans
 38 tin cups
 92 iron spoons
 60 stone chambers
 10 tin lamps
 11 stone pitchers
 9 saucepans and pots
 5 wash basins
 85 wooden benches
 6 tables
 7 wash tubs
 18 window curtains
 7 tin dippers
 3 teapots, 56 kids
 5 medicine stands
 5 tin salve boxes
 15 towels

Male Hospital.

1 pine table
 2 stoves, with pipe
 4 water pails

Sewing Shop.

8 pair scissors
 1 pair shears
 17 lbs. thread

Female Prison.

100 pails for cells

Water pails, benches and spit-
 toons

Scrubbing and whitewash
 brushes

Tin pans and spoons

Keeper's House.

Old ingrain carpet

24 chairs

1 sideboard

7 dozen tumblers

Closet

Map of the islands

Pine tables

3½ dozen chairs

2 stoves and pipe

Crockery

Kitchen tin ware

Pails and tubs

3 tables and benches

Copper boiler

Pot and saucepan

2 churns, 1 meat keg

2 tin tea kettles

Andirons, shovels and tongs

9 dozen knives and forks,
 and other cutlery

9 dozen spoons

6 dozen small spoons

Ice cream mould

Towels and crumb cloth

1 barrel flour

½ bag coffee, ½ barrel sugar

½ box soap

½ chest tea

Cook House.

1 tea boiler, 1 meat boiler
 1 steam boiler, 1 steel
 1 wooden feeder, 5 tables
 1 beef barrrel, 4 water pails
 5 soup tubs, 8 tea tubs
 3 molasses cans
 2 carving knives, 3 forks
 2 meat barrels
 3 bread barrels
 1 bread barrow, 1 poker
 6 tons junk
 3½ tons oakum

Armament.

1 dozen rifles, *a* \$14
 2 dozen rifles, *a* \$5
 21 muskets, *a* \$4

Office.

27 volumes of the "Proceed-
 ings of the Common
 Council"
 3 writing desks.
 5 boats
 1 skiff, and oars for do.

House of Detention, Centre Street.

1 old sideboard	3 pitchers
1 carpet for Keeper's room	10 tumblers
18 chairs	1 dozen knives and forks
2 decanters	1 dozen iron table spoons
1 dozen wine glasses	3 dozen tea spoons
1 old sofa	2 coffee pots
3 coal scuttles	1 cooking stove & utensils
4 pine tables	3 stoves for the prison
1 dozen dinner plates	1 stone pot
1 dozen breakfast plates	150 blankets
10 dishes	80 tin pans
10 pie plates	20 tin cups
2 pair of bakers	3 pudding pans
1 castor	3 old table cloths
8 bowls	6 towels
2 tureens	1 wash tub

Lunatic Asylum, Blackwell's Island.

75 iron bedsteads	113 woollen frocks
68 wooden bedsteads	73 tow frocks
13 cot bedsteads	76 cotton chemises
175 blankets	105 tow chemises
227 quilts or comfortables	62 woollen petticoats
145 spreads	101 tow jackets
356 sheets	148 tow pants
261 pillow cases	81 woollen jackets
293 tow bed ticks	97 woollen pants
230 tow pillow ticks	33 pair women's shoes
13 pine tables	15 pair men's shoes
28 pine long benches	14 pair women's stockings
12 pine small benches	27 pair men's stockings

58 chambray frocks	1 block tin sugar cup
4 straight jackets	1 tin tea canister
106 tow shirts	1 tin baker
106 cotton shirts	4 tin kettles (six quarts)
5 men's woollen frocks	2 tin teakettles
2 men's tow frocks	1 iron bread shovel
3 long sleeved jackets	2 wood bread trays
13 cotton night gowns	1 hair sieve
5 shrouds	5 iron meat bake pans
10 mats	Frying pan and gridiron, 1
90 tin cups	each
183 tin pans	192 iron spoons
8 wash basins	12 plated spoons
4 saucepans	20 block tin spoons
4 skimmers	6 German silver spoons
7 dust pans	18 iron tea spoons
3 pepper boxes	18 German silver do.
1 cullender	4 tea boards
1 tin measure ($\frac{1}{2}$ gallon)	3 iron fire shovels
1 Dutch oven	9 tin tea cans of 5 gallons
1 lantern	each
3 dippers	6 tongs and pokers
1 sausage stuffer	3 coal scuttles
3 tin lamps	24 spit boxes (wood)
6 tin candlesticks	6 do. (tin)
4 brass candlesticks	2 coffee and pepper mills
2 tin coffee pots	9 smoothing irons
1 tin teapot	5 wash stands
8 milk pans	1 coal box
1 milk pail	1 moveable closet
3 tin pails with covers	1 clothes drainer
1 oil can	20 straps for lunatics
1 coffee boiler	4 handcuffs
1 tea kettle	2 quilting chairs
1 block tin coffee pot	36 Windsor chairs
1 block tin teapot	24 fancy chairs

144½ yards carpeting	7 iron pots and kettles
3 looking glasses	12 chambers
1 mahogany writing desk	Half tierce rice
1 pine writing desk	2 bushels fine salt
1 thermometer	Half chest tea
1 medicine chest	1 barrel scale fish
4 soup tubs	5 barrels hard bread
1 large water tub	1 barrel flour
3 wash tubs	¾ barrel sugar
145 kids	1½ Indian meal
37 scrubbing brushes	7 lbs crackers
5 whitewash do.	½ tub butter
12 brooms	1 barrel alum
10 birch do.	½ box candles
40 pails	12 lbs soap
4 coal shovels	3 soft bricks
1 half-bushel measure	½ firkin lard
1 market basket	1 pairscales, beam & weights
2 castors with bottles	1 do do (small)
4 salt cellars	2 lbs cotton thread
9 wine glasses	1½ dozen horn combs
12 tumblers	7 papers needles
2 large dinner dishes	4 lbs starch
1 tureen and ladle	¼ lb. linen thread
20 dinner plates	6 lather boxes
12 soup plates	½ lb. candlewick
34 breakfast plates	6 lbs snuff
12 edge and tea plates	20 lbs. tobacco
13 pie dishes	30 gallons brandy
26 cups and saucers	10 gallons wine
80 (pieces) knives and forks	1 barrel beer
2 carving do.	2 cows
8 vegetable dishes	1 sow and 6 pigs
2 pitchers	350 gallons molasses
12 stone do.	30 tons coal
4 stone pots	½ barrel paint oil

1 cask white lead	$\frac{3}{4}$ lb. whiting
6 papers lampblack	2 gallons spirits turpentine
8 lbs. litharge	2 step ladders
4 brushes	

Long Island Farms.

Stock.

1 span horses
2 yoke oxen
17 cows
2 calves
7 hogs

6 forks
1 horse hart
5 rakes
1 grindstone
1 axe

Household Furniture.

Farming Utensils.

4 ploughs
3 ox carts
3 ox yokes
3 ox chains
11 hoes
2 harrows
2 saws
4 shovels
2 spades

10 pails
2 kettles
2 pots
2 cans
1 lantern
3 tables
8 benches
5 lamps
2 tubs
20 cups and pans
2 pair shovels and tongs
4 flat irons

Long Island Nurseries.

<i>Clothing.</i>		566 tin pans
208 pantalets		495 spoons
400 petticoats		6 carving knives
400 suits of w. c. for boys		60 pails
200 suits of summer do.	do.	17 tubs (for various purposes
300 frocks for girls		4 flesh forks
800 shirts		6 pair shovels and tongs
800 chemises		21 pokers
1000 pair stockings		27 lamps
300 aprons		4 iron tea kettles
410 caps for boys		13 cooking pots
230 pair children's shoes		10 boilers
<i>Bedding, &c.</i>		54 tin cups
		2 tin wash kettles
		2 copper do.
322 cots		47 benches
1128 blankets		1 tin bath tub
447 beds		20 table cloths
650 sheets		2 oil cans
332 pillow cases		6 wash boards
284 bed spreads		
168 pillows		<i>Fuel.</i>
66 window curtains		12 cords wood, green & dry
8 cradles		180 tons coal
<i>Furniture.</i>		22 stoves
39 tables		10 grates

Carpenter's Tools and Stock---Alms House.

21 fore planes	14 smoothing planes
14 jack do.	2 ploughs (bad)

1 pair large match planes	3 papers tacks
3 pair 1-inch do.	6 12-inch flat files
3 pair $\frac{3}{4}$ -inch do.	7 6-inch flat files
4 philisters	7 12-inch half round do.
16 hand saws	78 hand saw files
11 tenon saws	10 horse shoer's rasps
2 compass saws	11 pair H hinges
2 keyhole saws	11 pair H L hinges
6 frame saws	1 dozen $2\frac{1}{2}$ -inch butts
26 plane irons	4 dozen 3-inch do.
12 iron squares	5 dozen $2\frac{1}{2}$ -inch flap do.
12 trying squares	1 $\frac{1}{2}$ dozen frame pullies
35 augers	30 lock nosens
40 firmer chisels	1 dozen shovels
18 gouges	1 dozen spades
30 framing chisels	16 hoes
20 screw drivers	1736 coffins (made since June 1, 1839)
4 drawing knives	1207 coffins on hand, March 5
4 broad axes	2 carts, 1 bread do, 1 hearse
2 sets braces and bits	body and 6 wheelbarrows
12 pair compasses	6 new stoves
15 hammers	53 old prison locks
20 gauges	8 brass mortice do (large)
6 spoke shaves	45 ox peels on hand
Old stock moulding planes,	1 set waggon wheels made
worth about \$50	500 feet white wood
Farmer's tools, all sorts, worth	100 feet cedar boards
about \$10	250 feet 2-inch merchantable
6 quire sand paper	plank
1700 lbs. cut nails	900 feet 2-inch rough ditto
50 lbs wrought nails	9400 box boards
2 lbs. clout nails	50 hemlock do,
3 $\frac{1}{2}$ lbs. copper cut nails	229 Albany do.
10 gross screws (assorted)	173 Albany plank
4 papers brads	

224 hemlock joist
 1309 feet maple
 1800 feet ash and oak for
 wheelwright's use
 75 swab poles (for ovens)

18 boxes glass
 12 paint brushes in use
 1 glazier's diamond
 4 lbs. chrome yellow

Tin and Blacksmith's Shop.

Paint Shop.

$\frac{3}{4}$ barrel whiting
 25 gallons oil
 28 gallons spirits turpentine
 100 lbs. yellow ochre
 400 lbs. white lead
 40 lbs. red lead
 30 lbs. Spanish brown

3 boxes tin
 100 lbs. wire (assorted)
 50 lbs. Russia sheet iron
 Tinman's tools, worth about
 thirty dollars
 2500 lbs. new iron (assorted)
 Blacksmith's tools for two
 forges

JOHN MYER, *Superintendent Alms House.*

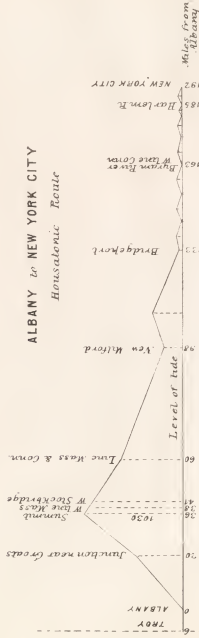
New York, June 20, 1840.

Received of the
Hon. Secy of the Navy
the sum of \$1000
for the purchase of
the ship "Albatross"
for the service of the
Navy.

Witness my hand and
the seal of the Navy
at Washington
this 10th day of
January 1870

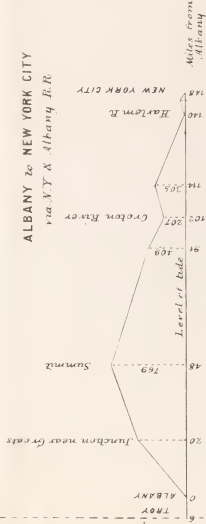
ALBANY to NEW YORK CITY

Housatonic Route

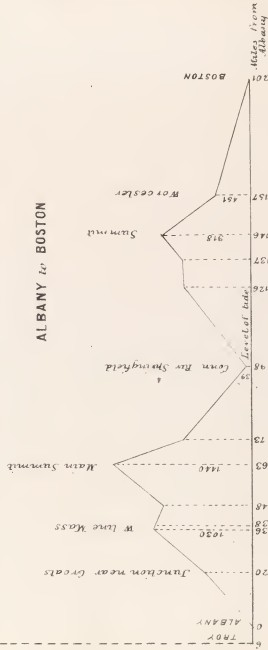


ALBANY to NEW YORK CITY

via N.Y. & Albany R.R.



ALBANY to BOSTON



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DOCUMENT No. 10.

BOARD OF ALDERMEN,

JULY 24, 1840.

Report of the Joint Special Committee on the communication from the Mayor, relative to the New York and Albany Rail Road. Laid on the table, and four times the usual number of copies ordered to be printed, with the accompanying documents.

SAMUEL J. WILLIS, CLERK.

MAYOR'S OFFICE,

New York, June 22, 1840.

Gentlemen of the Common Council:

I transmit herewith a communication received from R. P. Morgan, Esquire, one of a Committee appointed by the inhabitants of the counties of Dutchess, Putnam and Columbia, at a meeting held by them on the 13th June, 1840, to submit to the Mayor and Common Council of this city, certain resolutions relative to the New York and Albany Rail Road.

Respectfully, your's,

ISAAC L. VARIAN.

The Joint Special Committee, to whom was referred the preceding communication from the Mayor, transmitting copies of certain resolutions adopted at a meeting of inhabitants residing near the proposed route of the New York and Albany Rail Road, which had been placed in his hands by the Chairman of a Committee appointed by that meeting to confer with the Common Council of this city, respectfully

REPORT:

That immediately after their appointment, they had an interview with the Committee above referred to, consisting of thirty-five delegates from the counties of Putnam, Dutchess and Columbia, through which counties the proposed route of the contemplated rail road extends. The presence of such a delegation in our council chamber, composed as it was, almost entirely of that intelligent portion of our population who are engaged in agricultural pursuits—a class of men who are the least likely to be tempted into visionary enterprises, and whose value as a part of the community cannot easily be over-estimated—did not fail to command our respectful attention, while the documents which they presented for our consideration, and the information which they communicated, has awakened in your Committee a very strong feeling of interest in behalf of the great enterprise to which they directed our attention. Our city has long been acknowledged as the commercial capital of the country. Nature has given us advantages which have hitherto seemed to bid defiance to successful competition; and the construction of our great Western canal for a time placed our supremacy beyond all dispute: but the introduction of rail roads has done much, and threatens to do much more to counteract our geographical advantages. Baltimore and Philadelphia, by means of their Western rail roads, now engross a large portion of the Western trade which was formerly our own; but Boston, by means of an uninterrupted chain to Buffalo, now nearly completed, is likely to become a much more

formidable competitor. The rail road from Albany to Boston will terminate in a web of rail roads which connect the capital of New England with almost every manufactory it contains. During the season when our river and canals are closed with ice, that road will be in active operation, conveying to an extensive domestic, as well as a seaboard market, the large accumulations of Western produce, such as flour and provisions, which are usually sealed up by the freezing of the Hudson, and returning in exchange for them, along with the produce of their manufactories, those heavy staple commodities which arrive from the South and from other countries during the Winter months. When we take into consideration the short time which has elapsed since the first introduction of rail roads, and the immense improvements which have already been made in their powers of transportation, we cannot doubt either their capacity for still further progress towards perfection, or that they are destined to become a much more powerful instrument than they have hitherto been in the hands of our competitors.

In the present stage of their progress, the Western road would be capable of transporting flour over the whole distance from Albany to Boston, at the rate of about thirty cents per barrel, with remunerating profit. The necessity which now compels the Western producer to force his commodities prematurely into market, before the close of navigation, will therefore be obviated by the construction of that road, as it will ensure him an outlet on the seaboard, at small expense, at all seasons of the year, and in defiance of all the obstructions which Winter has hitherto presented.

The merchants of New York need not be informed that the earliest Spring customers are the most substantial men, and that an early supply of Spring goods affords the Western merchant very great advantages over his more dilatory neighbors. He comes to a well stocked market at a season when articles are new and cheap, and returns well supplied to a market nearly exhausted. No one can estimate so well

as the merchant the disadvantage which this city labors under, from the want of a rail road communication with the West. Before we can commence our Spring trade, we are compelled to wait for the breaking up of the ice in our river and canals: in the meantime our most enterprising customers, unwilling to await the tardy progress of the season, procure their supplies in the markets of our competitors, so that by the time we are ready to commence our operations, we find that the harvest of trade has been reaped, and nothing is left for us but the gleanings. Such to some extent has been our experience already, but when the Western Rail Road shall be completed, (as it will be within one year,) uniting Boston with the Western extremity of our own state, experience affords no adequate index of what may be anticipated. The establishment of a steam packet communication between Liverpool and Boston; the great commercial and manufacturing resources of our Eastern neighbor; and the spirit of enterprise which is indicated by the zeal and success that have attended her efforts to extend her interior and foreign commerce, are sure indications that the capital of New England is destined, when her Western rail road shall be finished, to become our most formidable rival. The spirit of the age in which we live, is an ever active and never tiring spirit of commercial enterprise. Nations which have long slumbered in the embrace of despotism, have begun to awake from their lethargy and to enter upon the golden chase. The Russian serf, the Egyptian slave, and the half barbarous subjects of the Emperor of Muscat, are "beating their swords into ploughshares and their spears into pruning hooks," to bend their latent energies to the peaceful pursuits of commerce. Rival cities on the continent of Europe, as well as in our own country, are struggling for supremacy, not on the sanguinary field as formerly, but by diverting the elements of trade from long established into new and unaccustomed channels; and the discoveries of science and improvements in mechanism are lending their efficient aid to facilitate their

objects. The contemplation of this subject is full of interest to the patriot and philanthropist, as it holds up to their view a prospect full of hope and promise to the human race : but to the citizen of New York it presents claims to consideration of a vitally important character. We must abandon our false security, partake more of the enterprising spirit of the age, and prosecute a work without a moment's delay, which your Committee believe has become necessary to the maintenance of our commercial supremacy.

An opinion has prevailed to some extent that the route of the New York and Albany Rail Road was marked out along the margin of the Hudson River, and its value has generally been estimated, solely by a very imperfect view of its advantages as a means of communication between its two extremities : but by an examination of the map which is appended to this report, it will be seen that it is at a distance varying from fifteen to twenty-five miles from the river ; that it traverses a part of the state comparatively little known, but which your Committee can testify from personal inspection, is one of the richest, best cultivated, most beautiful and populous valleys that can be found in our country, abounding in almost every variety of mineral and agricultural wealth,—a district which suffers much from the natural obstacles which intervene between it and the tide waters of the Hudson, and which render the transportation to market of many of its valuable productions too costly for profit ;—among which may be enumerated iron, hay, marble, timber, lime, and many other weighty and bulky commodities indispensable to our city, and which could be supplied at small expense in almost any quantity if the rail road was constructed, reducing the cost to our citizens of many of the necessities and luxuries of life, and contributing a very important item to the profit of the road. Among the *comparatively* minor, but *intrinsically* important benefits to be anticipated from this road, may be mentioned the extensive market which it would open for the disposal of our street manure,

perhaps reducing the expense and increasing the facilities for cleaning our streets; also, the large supply which it would furnish of pure and wholesome vegetables and milk, so indispensable to the health of our city, and at present so difficult to be obtained. The indifference with which this enterprise has been heretofore regarded, can be accounted for in various ways. It would come in competition with other and powerful interests, already employed in the navigation of the Hudson; and, to a limited extent, with the navigators of the Sound. The obstacle which it would present to a continuation of the monopoly of bread stuffs, and other agricultural productions, during the Winter season, naturally awakens a feeling of jealousy in those who have profited by those monopolies. These, with other similar sources of opposition, which may be readily imagined, embrace an immense amount of capital and influence, extending to many towns along the river, and combined with the ill success of large investments in other rail roads, projected and constructed during the season of expansion and visionary speculation, while scientific knowledge of the mechanical part of the work was limited, and the construction consequently more expensive, have all combined to encourage unfavorable representations, retard the spirit of inquiry, excite a feeling of incredulity, discourage capitalists, and prevent a due appreciation of the great value of the enterprise under consideration. The statements furnished at our request by the Chief Engineer and Commissioner of the New York and Albany Rail Road, (see Appendix Nos. 1 and 2,) exhibit a complete detail of all the statistical and general information relative to the subject in so concise a form, and point out so clearly the comparative advantages of the proposed *direct* route over all others, that your committee need only to refer to them, with an expression of their entire concurrence in the views which they present, confirmed by a personal inspection of nearly the whole of the route. Whatever opinions your Committee may entertain of the propriety of Legislative aid to works of internal improve-

ment which have been undertaken by private enterprise, they do not entertain a doubt that if the same efforts had been made to procure the necessary funds by private subscription which have been fruitlessly expended in applications to the State Government for aid, the work would now have been in more rapid progress. The public are as well able to judge of the practicability and utility of such an undertaking as any legislative body possibly can be; and it is no argument in favor of such an application of legislative power, that this immensely valuable enterprise has been so long neglected by the State, while millions have been lavished upon undertakings of comparatively little value. It is private capital alone that gives value to State credit, and that capital will come forward spontaneously in aid of any enterprise which, like this one, holds out the certain promise of great remunerating private profit and incalculable public benefit in the investment. In corroboration of this opinion your Committee refer, with great satisfaction, to the spirit manifested in the counties from which the delegation was sent. They offer to furnish the means of constructing about forty miles of the road, (see Appendix No. 3,) which, with that portion to be constructed by the Boston Rail Road Company, and used in common by both companies, will leave about eighty miles to be completed by other counties, (including New York,) immediately interested; which, according to *offers made*, (see Appendix No. 4,) will cost one million four hundred thousand dollars, with a rail plate one-sixth heavier than that used by the Utica and Schenectady Rail Road, or three hundred thousand dollars in addition to that sum if an *entire iron rail* is adopted; making in all one million seven hundred and thirty thousand dollars—a sum equal to about one-half of one per cent of the real and personal estate within the said counties, according to official data. Are not the resources of New York equal to those of the counties which make this offer? And have we not as deep an interest at stake as they? When we take into consideration the danger to

which the commerce of our city is subjected by the opening of convenient channels of communication between our best customers and our rival markets; the certainty with which this danger can be averted by the construction of this road; the valuable mineral and agricultural productions, now inaccessible, which it will pour into our market; the facilities which it would afford for the transmission of the mails, for the regulation of exchange, and for conducting our coastwise trade internally in case of necessity from a blockade of our ports in time of war; and the other incalculable and innumerable advantages which our city could not fail to realize from the prosecution of this enterprise—advantages which would be certain to result in a large annual dividend to the stockholders, an advance in the value of property, an increase of trade and profit to every branch of business, and an addition to the comforts of all classes in the community,—all which results are nearly demonstrated by the documents appended to this report, your Committee cannot allow themselves to doubt the success of an appeal to our citizens. Whatever differences of opinion may be entertained, as to the propriety of constructing a work of such magnitude and importance by private enterprise, it is too late to cavil about it now. Legislative action, if desirable, would be too tardy for the emergency. The vital interests of our city demand that the road should be completed and in operation with the least possible delay. The interest of every business man in the community is involved in the undertaking; and that interest, well understood, as we trust it soon will be, is a sure guarantee that the work will be done.

A petition of the Harlaem Rail Road Company, which has also been referred to this Committee, will probably be made the subject of another report. Your Committee only deem it necessary to say at present, in reference to that petition, that the Harlaem Rail Road Company has no connection with the subject discussed in this document, the two enterprises being entirely distinct and independent of each

other. They deem this explanation necessary to remove a misapprehension which appears extensively prevalent in the public mind.

In order that the importance of this subject may be placed prominently before the public, your Committee close their report by offering the following resolutions :

Resolved, That the Common Council respectfully recommend the immediate call of a public meeting of citizens of New York, to hear statements in reference to the New York and Albany Rail Road, and to devise the most effectual method for procuring such ample subscriptions to its stock as will ensure an early completion of the work.

Resolved, That the members of the Common Council will cheerfully co-operate in any feasible plan which may be devised for carrying into practical effect the objects contemplated in the above resolution.

JOSIAH RICH,
DAVID GRAHAM, Jr.,
O. J. NASH,
PETER COOPER,
ROBERT JONES,
SAMUEL BRADHURST,
HENRY E. DAVIES,
JAMES POLLOCK,
FELIX O'NEIL,
THOMAS F. PEERS.

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APPENDIX No. 1.

To the Honorable the Special Committee of the Common Council of the City of New York, on the subject of the New York and Albany Rail Road.

GENTLEMEN:—

In compliance with the request of your Chairman, that I should communicate such information as I may possess relative to the New York and Albany Rail Road, and that I should also present my views in respect to the general merits of the project, as compared with other routes that have been proposed for accomplishing the same object, I beg leave to submit, as containing most of the information sought for, a copy of my Report to the President and Directors of the Company, in December, 1838, which is hereto annexed.

By an examination of that Report, it will be perceived that the line of the New York and Albany Rail Road as surveyed, is very direct, the distance being 147.7 miles; that it lies wholly within the limits of the State, passing near the west lines of Connecticut and Massachusetts, at a distance of from 15 to 25 miles from the Hudson River, and as it respects the cost of construction, and expense of operating, owing to the generally favorable character of the ground and grades, is excelled by few other works of the kind in the country.

The estimate of cost of the 140.7 miles from the Harlaem River to Albany, which, in the Report is given at \$2,377,946, may now be reduced about \$300,000, in consequence of arrangements recently made for the construction of the Albany and West Stockbridge Rail Road, a portion of which, 20

miles, it is contemplated will be occupied by the New York and Albany Company, provision for its use, on equitable terms, having, it is understood, been made with the Western Railroad Corporation.

Of the remaining 120 miles, the inhabitants of Dutchess, Putnam, and Columbia counties, who take a deep interest in the undertaking, are prepared to furnish the means for constructing 40 ; leaving only 80 miles of railway, the means for the construction of which are to be sought for, from the other sections immediately interested, including the cities of New York, Albany and Troy, and the counties of Westchester and Rensselaer.

The proportion of the estimate of cost for the eighty miles mentioned, is about \$1,430,000—an amount which is not equal to the half of one per cent. of the value of the real and personal estate, according to the last report of the Comptroller, within the cities and counties mentioned. That this property will be enhanced in value several times that amount, in consequence of the construction of the railway, independent of the other great advantages to accrue from it, appears to me not to admit of a doubt.

That the estimate above given of the cost of the railway, is not far from the truth, is manifest from the fact, that a proposition has been received from some of the most responsible and experienced contractors in the State, to build the whole 140.7 miles of road, and furnish therefor the requisite number of engines and carriages for putting it in operation, for the sum of \$2,640,000, which sum supposes the use of a rail plate 1-6th heavier than that adopted upon the Utica and Schenectady Railway, and a width of track, if deemed advisable, of six feet.

If an entire iron rail is adopted of suitable size and weight, which is strongly recommended, the whole expense will be increased about \$480,000, which gives for the 80 miles yet unprovided for, the sum of \$320,000 to be added to the \$1,430,000 above mentioned.

With a view to obtaining a suitable railway communication between the cities of New York, Albany and Troy, the attention of the citizens of New York has been invited to the route by the way of Bridgeport in Connecticut, and West Stockbridge in Massachusetts.

This line is termed the *Housatonic Route*, from its location for about 50 miles, in the Housatonic valley. Annexed is a profile, exhibiting the *general* features of this route, as also that of the New York and Albany Road, both represented upon the same scale. There is also added a similar profile of the route by the "Western Railway" from Albany to Boston.

The line of the New York and Albany Road is superior to the Housatonic route in several respects.

1st. The distance from New York City to Albany by the Housatonic Route, on a continuous line of railway, is very nearly 192 miles
From New York City to Albany, by the route of the New York and Albany Rail Road, it is 148 "

Difference in favor of the New York and Albany Road..... 44 "

2d. The elevation above tide of the main summit on the first named route, is..... 1030 feet.

Do. do. on 2d do..... 769

Difference in favor of the New York and Albany Road..... 261 "

3d. There is no necessity of exceeding, upon the line of the New York and Albany Road, 30 feet per mile in the inclination of the grade line. Upon the Housatonic route, nearly half the distance from Byram river to Bridgeport is, according to the published Report, upon a grade of 40 feet per mile. Between Bridgeport and the north line of Massachusetts, there are several grades exceeding 30 feet per mile. Upon the remaining portions, it is not known that measurements have been made sufficient to establish satisfactorily the

maximum grades. From the west line of Massachusetts to Albany, the road is now being located, under the direction of the Western Rail Road Corporation. From the same point to the Hudson River on the line of the Hudson and Berkshire Road, there are grades of 72 feet per mile.

4th. There is a greater amount of steep grade upon the line of the Housatonic Route, indicated by the greater elevation of the main summit. The *difference* in the two summits, is such as to require, in order to overcome it, a grade ascending and descending of 40 feet per mile for 13 miles, or 30 feet per mile for 17 miles.

5th. The Housatonic Route is located in three different States, and will, when the charters are all obtained, be composed of *at least five* different incorporations, as follows :—

1. New York to Byram River, West line of Connecticut.
2. Byram River to Bridgeport.
3. Bridgeport to the South line of Massachusetts.
4. South line of Massachusetts to West line of Massachusetts.
5. West line of Massachusetts to Albany.

The charter of the New York and Albany Rail Road Company permits the construction of a Rail Road from the Harlaem River to Albany and Troy, and its continuation South-erly upon the island of New York, with the privilege of forming branches from any point to the East line of the State.

6th. In consequence of the greater distance and more unfavorable character of the grades, &c., and greater cost of the Road, the expense of transportation from Albany to New York will be greater upon the Housatonic Route. This expense will be much increased by the circumstance of the Housatonic Route being controlled by so many different corporations.

The distance from Albany to Bridgeport by the Housatonic Route being 133 miles, and only seven miles more from the same point to the Harlaem River, by the line of the New York

and Albany Road, there is no doubt from the reasons above assigned, that the latter can be passed in the *least* time, and moreover, *that freight received at Albany can be delivered at less cost at the Harlaem River than at Bridgeport.* A similar result will take place, in the transportation of merchandise from the latter point to Albany, thus producing in the transit of goods between New York and Albany a saving in favor of the New York and Albany Road, of nearly the whole cost of transportation between New York City and Bridgeport.

The foregoing constitute the leading reasons which, in view of the rivalry which must exist with the line of rail road extending east from Albany, and the competition which may take place to a certain extent at particular seasons with the Hudson River, have forced my mind to the conclusion, that it is clearly and decidedly for the interest of the city of New York, that the proposed railway communication to Albany should be constructed in *one unbroken* line, under the direction of but *one company*, and located upon the most direct and cheapest route *within the limits of the State.* In short, that it is a work of so great and commanding importance, as to require the utmost skill and care in its location, and upon which no pains or expense should be spared to render it, both in its construction and operation, one of the most perfect and effective works of the kind in the country.

The adoption of the Housatonic route has been urged on the ground of its facilitating a connection with the Eastern rail roads. It is proper to remark, that a railway of only about forty miles in extent, has been proposed from New Haven, to unite with the line of the New York and Albany road, near the north line of Westchester County. That by this route the distance from New York City to New Haven, and thence to Boston will not probably be increased over 15 to 18 miles, compared with the route along the Sound. Such a connection will afford to the inhabitants of the Southern and Eastern portions of Connecticut an opportu-

nity of passing to the North and West, as well as South, upon the line of the New York and Albany rail road. It is also the opinion of some, that this connection, from its shortness and interior location, may possibly prove more productive than a road along the margin of the Sound, of *double* its length, where from almost every point there exists throughout the year opportunities of communication by water with New York City.

The arrangements recently effected for continuing the Massachusetts Railway through to the Hudson River, thus placing Boston within *fifteen hours* of Albany, and the establishment of a line of Atlantic steamers from Boston to Liverpool, is justly calculated to awaken the citizens of New York to a true sense of the great efforts making to divert, to seaports in other States, a portion of the trade and travel which concentrates at Albany.

The construction of the Western railway in Massachusetts is intended, like the Erie Canal, as a source of wealth to the country through which it passes, and to the city into whose lap its treasures are to be poured.

Henceforth it is the intention that the immense trade and travel between the manufacturing districts of New England and the grain producing regions of the West, shall be conducted, *not through the City of New York as in years past, but by the fifteen hours railway from Boston to Albany.*

This result may not be prevented entirely, yet by seasonable and vigorous efforts in the construction of the New York and Albany Rail Road, much may be done to retain the trade between the East and the West in its accustomed channel.

Hitherto New York City has been as much the metropolis of New England as of the State in which it is situated, and instead of the productions of the West passing direct from Albany overland towards Boston, and merchandise and manufactures returning by the same route, the whole Western

part of Massachusetts, including most of valley of the Connecticut, has been tributary to New York.

Now, however, the tables are turning. The great line of railway, reaching from Albany to Boston, will shortly be completed and in operation; and is constructing in the most substantial manner, with solid iron rails, expressly with a view to the transportation of both passengers and freight. Either our Eastern neighbors are exceedingly unwise, in expending so large a sum in the construction of this great iron way, or they must divert to themselves much of what has hitherto been deemed the legitimate business of New York.

It is in the power of those interested in the prosperity of the latter city, to secure to it, by the construction of the New York and Albany Rail Road, a fair proportion of the trade which is in danger of being diverted from it; and when so constructed the prediction will, it is firmly believed, be found to be fulfilled, that as an object of profitable investment to capitalists, the New York and Albany Rail Road is not excelled in its promise of productiveness by any other work of the kind in the State; and in the public benefits it is calculated to confer, ranks, at the present time, the first in its importance to the City of New York.

Respectfully submitted.

EDWIN F. JOHNSON,
Engineer N. Y. & A. R. R.

New York, June 30, 1840.

REPORT.

*To the President and Directors of the New York and Albany
Rail Road Company:—*

GENTLEMEN—The following statement of the results of the surveys made between the cities of New York, Albany and Troy, for determining the route of the New York and Albany Rail Road, is respectfully submitted:—

The route, as surveyed, commences on the north bank of the Harlaem river, at a point from which a convenient entrance may be made into the city of New York, either by the Harlaem Rail Road, or such other route as may be preferred.

From thence it proceeds north, through the County of Westchester, occupying for the first 35 miles nearly middle ground between the Hudson river and the waters of Long Island Sound.

From the north line of Westchester county, it passes through the eastern part of Putnam and Dutchess counties—through the centre nearly of Columbia county, thence to the town of Greenbush, opposite Albany, and also to Troy, in Renssalaer county.

The profile of the route presents two principal summits, one near the centre of Westchester county, the other in the northeast part of Dutchess county.

The lowest point of depression between the two is situated in the valley of the Croton river.

The ascent to, and descent from these summits is very gradual, not exceeding, at any one point, 30 feet per mile,* the steeper grades being confined to about four-tenths of the distance. The remaining six-tenths varying from a level to 25 feet per mile.

The average rate of ascent and descent to and from these summits, is as follows:—

Harlaem river to first or lowest summit, 26 miles, 16 feet per mile, ascending.

* The line of the survey terminates at the upper ferry, opposite Albany. If the lower ferry is selected as the place of termination, the maximum grade will probably be somewhat increased at that point, and the total distance lessened about two-thirds of a mile.

First summit to the valley of the Croton, 12 miles, 20 feet per mile, descending.

Valley of the Croton to second summit, 54 miles, 10½ feet per mile, ascending.

Second summit to the Hudson river at Albany, 48.7 miles, 16 feet per mile, descending.

The line from the Harlaem river traverses successively portions of the valleys of the Bronx, Croton and Ten Mile rivers, the latter of which is a tributary of the Housatonic. It traverses also the valleys of Ancram creek, and of Cline Kill, a branch of the Kinderhook creek. From thence it passes over the Kinderhook and Schodac plains to the termination opposite Albany.

The course of the line, as will appear by an examination of the map, (which has been executed, on a large scale, by Mr. E. S. Coe,) is quite direct—there being but one departure from a generally straight course. This deviation occurs in Columbia county, by which the line at that point is thrown in nearer to the Hudson river, a circumstance deemed rather favorable than otherwise, as it affords the means of connecting by a very short line with the Catskill and Canajoharie Rail Road, and also with the city of Hudson; while at the same time the route inclines in its course south, sufficiently near to the boundaries of Connecticut and Massachusetts, to secure to the road the travel and business from the western portions of those states.

The whole distance by the line, as surveyed from the City Hall in New York to Albany, is 147.71 miles; no greater, it is believed, than the distance between the same points by the channel of the Hudson river. Notwithstanding, therefore, the route is situated, for most of the distance, from 15 to 25 miles from the river, the course which it pursues is quite as direct as by the river, a conclusion confirmed by the fact that the radii of curvature upon the line of the Railway are large, exceeding, with two exceptions, 1,500 feet, so large as to occasion, from considerations of safety, no necessity for any material reduction in the speed. In respect to straightness, it is ascertained that the proportion of straight to curved line is as seven to three—only three-tenths of the entire distance being curved. This is only six per cent. greater than the proportion upon the Utica and Schenectada Rail Road, which is straighter than the majority of Rail Roads in the northern section of the Union.

The traveller upon the Hudson river, or by the post road on its eastern side, derives no correct idea of the true features of the country as they exist along the proposed route of the Rail Road.

The highlands which appear so formidable from the river, are inter-

sected by the Rail Road in their north-easterly course into Massachusetts and Vermont, 50 miles from the place where they are divided by the Hudson river, and are there passed through a depression elevated 769 feet above tide, being the highest of the two principal summits to which reference has been made.

The deep ravines and precipitous banks which appear in many places along the eastern slope of the Hudson river valley, and which from their unfavorable direction, would present serious obstacles to the construction of a Railway in the vicinity of the river, are all avoided by the line as surveyed.

The maximum grade of 30 feet per mile upon the road can be overcome with locomotive steam power, at a speed of 12 miles per hour, with a load of 100 to 150 tons, equal to that which can be conveyed on a level at 20 miles per hour. As it is seldom, however, upon roads doing a large passenger business, that the engine is loaded to the full extent of its power, the average velocity in ascending the maximum grade will probably not fall much short of the velocity upon the level. Whatever is lost, will be easily made up upon the descending portions of the line, which are not so much inclined as to make it unsafe to take advantage of the aid afforded by gravity in compensating for the diminution of the velocity upon the ascending portions.

It is a very favorable feature in the profile of the road, when considered in reference to the expense of transportation upon it, that the bulk of the transportation occurs upon the longest portion south of the highest summit, where the line has a general average descent to New York city, of about eight feet per mile, in a direction favorable to the preponderance in the trade.

The character of the road in respect to the maximum grade, which limits the load of the engine, will be better understood by a comparison with other roads which are in operation, as general thoroughfares of trade and travel. The maximum grade is 20 per cent. less than upon the Boston and Providence road; 12 per cent. less than upon the Stonington road; $33\frac{1}{2}$ per cent. less than upon the Camden and Amboy road; 40 per cent. less than upon the Philadelphia and Columbia road; 25 per cent. less than upon the Harlaem road, where steam power is used. No greater than upon the Boston and Worcester, Auburn and Syracuse, New Castle and Frenchtown, and New Jersey roads. Only eight feet per mile greater than upon the Utica and Schenectada road, and only the same amount greater than the maximum grade on what is usually termed the *level* portion of the Mohawk and Hudson road between the inclined planes.

It is, I conceive, an important feature in the New York and Albany

road, that it is located wholly within the limits of New York. It had been supposed from representations, in which great confidence was placed, previous to the examination made by Mr. Morgan on the northern portion of the line, that a route for a Railway could not be found within the limits of the state, without encountering an elevated summit, to pass which would require the construction of a tunnel, or a resort to inclined planes, either self-acting, or operated by horse or stationary power. Under this impression, attention was directed to a route passing through a portion of Connecticut and Massachusetts. By this latter route, the distance and expense, and acclivity of grades, would have been considerably increased, compared with the line as now surveyed. By avoiding this route, from 350 to 380 feet vertical rise is saved in the elevation of the main summit; and the line is relieved from the expense and embarrassment attending its construction and operation, consequent upon its being composed of different portions located in three different states, under the authority of charters obtained from each.

Pursuing as the line does in its course from New York to Albany, a succession of valleys for most of the distance, and for the remainder traversing the comparative level surface of the Kinderhook and Scho-dac plains, great facilities exist for the construction of a cheap and permanent road. Although there are a few points requiring more than ordinary expenditure—one in descending from the level of the Schodac plains to Greenbush, another small portion in the towns of Ghent and Claverack, and another in Westchester county—yet, there are none requiring excessive expense, such as are frequently met with upon public works of a similar character. I allude now to tunnels, either in earth or rock—deep and extensive excavations through rock, long and heavy embankments, &c. The streams also are not large, and with the exception of the Harlaem river, require no expensive bridges, or heavy slope walls to protect the road from injury by floods.

Stone for the masonry and timber for the sills and cross ties of the superstructure or rail track, including most of the materials necessary for the construction of the road, with the exception of the rail plates and rail timbers, can be obtained of an excellent quality from the section of country through which the road passes. The iron for the rails or rail plates being imported free of duty, is procured at less expense from abroad. The rail timbers, should the plan of construction require them, can be obtained either from the south or from the north and west. The line of the road for most of the distance, passes over the more level ground near the bottoms of the valleys. South of the main summit, limestone, and granite, and gneiss rock, is encountered occasion-

ally in the excavations; north of that summit, slate rock is met with in several places. The excavations in earth are composed principally of gravel, sand, and loam, the two first predominating over the last.

The excavation on the whole line is very similar in its general character to what appears on the six miles which have been put under contract near the Harlaem river, and which for the grading and masonry for a single track, will not exceed, according to the terms of the contract, \$5,000 per mile.

A detailed estimate of cost of the whole line will be found embraced in the annexed reports of Messrs. J. I. Shipman and R. P. Morgan, Resident Engineers; by which it appears that the clearing, grubbing, ditching, grading, masonry, bridging and fencing upon Mr. Shipman's division, embracing the county of Westchester 42.38 miles, amounts to, including ten per cent. added for superintendence and contingencies \$508,753 16

The same for the portion surveyed by Mr. Morgan, extending from the north line of Westchester county to Greenbush, opposite to Albany, a distance of 98 1-3 miles, amounts to 907,253 60

Total for the whole line \$1,416,006 76

Giving per mile \$10,063 30

For the railway or superstructure for a single track, the cost per mile for timber rails, surmounted by iron plates, of the proper thickness, with a timber foundation, similar to the Utica and Schenectada Rail Road, will amount to \$5,300, or for 140.71 miles 745,763 00

Total \$2,161,769 76

Add for turns out 10 per cent. 216,176 98

Total for grading and superstructure for 140.71 miles.

Or per mile, \$16,899 63 \$2,377,946 74

This estimate does not of course include the expense of lands, and damages to buildings, neither does it embrace any of those items which belong to the transportation account, such as warehouses and fixtures at the depots, engine houses, engines and carriages.

Should an entire iron rail be adopted, the cost will be enhanced about \$3,600 per mile, and should it be determined to grade for a double instead of a single track, the cost would be still further enhanced about \$2,100 per mile.

On this subject, I would remark that the capacity of a single track railway for transportation, when provided with suitable turns out, is

very great. This arises in a great measure from the degree of perfection which has been attained in the construction and operation of the locomotive engine, by which its powers for traction and speed are so well understood and regulated, that its times of arrival and departure, and of passing particular points upon a road with grades as favorable as the New York and Albany, can be determined with a great degree of precision.

As it regards the probable revenue, data cannot be obtained for forming as correct a statement as in the estimate of the expense. It has been already stated that the route of the New York and Albany Rail Road passes for some distance near to and parallel with the west line of Connecticut, and near the southwest part of Massachusetts.

The counties through which the route passes, viz.: Westchester, Putnam, Dutchess, Columbia, and Van Rensselaer, are among the richest in agricultural, manufacturing and mineral resources in the state. They also contain a very dense population, numbering according to the last census in the aggregate 197,306 inhabitants, equal to one-tenth part nearly of the population of the state.

If to this be added the population of the counties of New York and Kings at the south, and Albany, Schenectada, Saratoga and Washington, at the north, all of which are in the immediate vicinity of the route, and will furnish to it more or less business, the aggregate is 652,782, equal to the one-third part nearly of the whole population of the state. The preceding is exclusive of those portions of Connecticut and Massachusetts, situated near the route, and which, if they do not present so dense a population, are rich in manufacturing and mineral resources, embracing in addition to many valuable beds of iron ore, the finest marble region in the United States.

The position of the main line of the Road is such that branches can easily be extended into the western part of Connecticut and Massachusetts to connect with the line of eastern rail roads from New Haven and the Great Western Rail Road from West Stockbridge, to Springfield and Boston. These lines of rail road are now partially in operation, and will soon be completed. The line from Boston to Worcester has been for some time in operation. From Worcester through Springfield, to the west line of Massachusetts, it is now mostly under contract, and will speedily be completed under the efficient aid afforded by the state of Massachusetts.* From Spring

* This line from Worcester to Springfield is now (1840) completed and in operation. From the latter point to the west line of Massachusetts it is under contract and will soon be in operation.

field to Hartford, along the Connecticut river valley, surveys are now being made, and as the distance is short, and the ground favorable, the time cannot be distant when this portion will be in a course of construction. From Hartford to New Haven, the line is one half in operation, and the remainder under contract, and public attention is now being directed to the construction of the only remaining link required to complete the chain of coastwise railway communication from Maine to Carolina,—I allude to the portion between New Haven and New York. The navigation upon the Sound from New York to New Haven, and intermediate places, being generally safe and available most of the year, renders less necessary, perhaps, the immediate construction of this line, but that it will sooner or later be opened, and if properly located, will occupy some thirty or more miles of the New York and Albany Rail Road, there is not, from the best information I have been able to obtain, much doubt.

In a communication made to the President and Directors of the New York and Erie Rail Road Company during the last session of the Legislature, I urged the necessity in view of the great and constantly increasing importance of New York City as the leading commercial emporium of the union, of *continuous* lines of rail road extending from the city to the northern and western lakes, and to the navigable waters of the Ohio. The New York and Albany Rail Road holds a prominent rank in this system, being the main stem or trunk to the branches leading north and west to the lakes, along one of the greatest thoroughfares for trade and travel in the United States.

These branches are now nearly perfected; but one link is wanting from Saratoga to Whitehall, to complete the connection with Lake Champlain. One only from Utica or Syracuse to Oswego to complete the connection with Lake Ontario, and if we except the Utica and Syracuse,* and Auburn and Rochester Rail Roads, which are both in a course of construction, one link only is wanting from Batavia to Buffalo to complete the connection with Lake Erie.

The inquiry will naturally be made as to how much of the business furnished by these branches will be contributed to the New York and Albany road. There cannot be much doubt that during the winter season the New York and Albany road is destined to become the main channel for the immense travel and trade of the country west and north of Catskill and Albany, including both the Canadas, with much to the east of those places, embracing the western portions of Connecticut, Massachusetts and Vermont.

* This road is now (1840) completed and in successful operation.

During the season of navigation upon the Hudson river, the bulk of this business will, it is presumed, continue as heretofore, to be borne upon its bosom. Considering, however, the vast accumulation of the business and travel between New York and Albany at this season, it will not be unreasonable to assume that some portion of it will be diverted to the rail road, more especially if a saving in time is effected, as it easily may be upon the rail road, of from two to four hours, compared with the time hitherto occupied by the fastest boats in passing between New York and Albany.

To the accessions from this source must be added the way-travel and trade, which, for so extended a line, passing through so populous and wealthy a region, must of itself afford a revenue sufficient nearly to sustain it. For important information upon this subject, of a statistical character, I refer to the Report of the Executive Committee, recently made, and also to a pamphlet containing valuable "facts and suggestions," illustrative of the importance of the New York and Albany Rail Road, by W. C. Redfield, Esq., of New York City, a gentleman who has contributed largely to promote the cause of internal improvements.

Perhaps no more satisfactory opinion can be formed of the business prospects of the New York and Albany Rail Road, than by a comparison with the Utica and Schenectada road, which forms a part of the same line to the lakes, the stock of which ranks among the most stable and valuable of any in the market.

During the season of suspended navigation on the Hudson, it will be obvious, from what has already been stated, that the business upon the New York and Albany Rail Road, will probably be greater than upon the Utica and Schenectada, as it will receive in addition to what is furnished by that road, all that will naturally concentrate upon it from the north and east. In addition to this, the New York and Albany road possesses the privilege of carrying freight, which has thus far been denied to the Utica and Schenectada and other roads in the vicinity of the Erie canal. That this restriction, under a more enlightened view of the subject, will be removed, so as to permit the Utica and Schenectada, and the other roads mentioned, in the same line, leading west to Buffalo, to carry freight free of tribute to the state, I do not doubt; and have as little doubt also, that when the restriction is removed, and the line of railway is completed to Buffalo, with the necessary arrangements for carrying freight, that even during the season of navigation, notwithstanding the cheaper transportation by the canal, merchandise will be transmitted

by the rail roads to a very considerable extent.* This opinion is based upon the circumstance that to the states and territories west, rapidity of transit is of the greatest importance, as is evinced by the fact that the steam-vessels upon the lakes, notwithstanding the charges are higher than in sail-vessels, are now doing the greater portion of the freighting business.

The New York and Albany road, situated as it is, from fifteen to twenty-five miles from the Hudson river, will command in summer, as well as in winter, an amount of freight which will add greatly to its revenue.

That freight can be transported upon Rail Roads at all seasons, with little danger of interruption, is now satisfactorily proved.

On several leading rail roads in the country, particularly the Boston and Worcester, and Philadelphia and Columbia, both of which are great thoroughfares for travel, the total annual receipts from freight are nearly equal to the receipts from passengers.

With an equal amount of business, the cost of transportation per ton, or per passenger per mile, will be less upon the New York and Albany, than upon the Utica and the Schenectada road, in consequence of the greater length of the former. The superiority of the latter over most other roads, is owing in a great degree to the economy in transportation, resulting from its great length, 78 miles, being the longest rail road in operation, with the exception of the Philadelphia and Columbia, in the northern states. A very limited addition to the number of engines, carriages, superintendents, &c, on the Utica and Schenectada Rail Road, would probably suffice to do an equal amount of business upon the New York and Albany road. The intelligent Directors of the Utica and Schenectada, and Utica and Syracuse Rail Roads, appear to be fully aware of the importance of this fact, as I understand that an arrangement has been made, by which the engines and carriages of the former company are to traverse the whole extent of both roads, 131 miles, an arrangement which I do not doubt, will be of great advantage to both companies. The superiority which long lines of railway possess over short ones, in the economy of transportation, is abundantly manifest

* Three-fourths of the tolls collected upon the Erie canal are derived from articles which can be conveniently carried upon a railway. The receipts last year (1839) on merchandise, were

	No	do	do	on flour and wheat	\$524,387
					362,130
Giving on these two items alone	-	-	-	-	\$887,517
The gross tolls received amounted to	-	-	-	-	\$1,223,840

in the experience upon the Mohawk and Hudson Rail Road—it having been ascertained that the cost of transportation upon that road, exclusive of the expense of stationary power at the inclined planes, is but little less than the total cost for a level road of twice or perhaps three times the extent.

Upon the Utica and Schenectada Rail Road, as upon most other roads, the way-travel forms a prominent part of the business which is transacted upon it. In the year 1837 the number of *through-passengers* on this road, amounted to 79,000; and the number of *way-passengers* to 60,000.*

Upon the New York and Albany Rail Road the intercourse between all parts of the line and the city, will necessarily be frequent, from the contiguity of the latter, and as it has a greater population in proportion to its length to sustain it, it is reasonable to infer that the way travel will be in a corresponding degree augmented.

Isolated rail roads, limited in extent, do not afford facilities sufficient to induce travelling to any great extent in winter. In proportion, however, as the rail road system is extended, the travel will be increased, particularly in winter, in consequence of a large portion of the population being more at leisure at that season. Every new road that is constructed where there is no direct collision, adds to the business of those already in operation.

The population of the country is rapidly increasing; this is another important cause operating to increase the travel and business upon rail roads.

The New York and Albany Rail Road is likewise essential to the rapid transmission of the mail at all seasons, and as affording a cheap and easy communication from the capital of the state to New York City, and intervening places, during the session of the Legislature; and as contributing also, to the protection and defence of the city and the military strength of the country.

The preceding are some of the more important reasons for supposing that the New York and Albany Rail Road, when completed, will take a high rank among the leading public works of the state.

Important as this work is, in continuing to the city of New York the chain of rail road communication, now so nearly perfected, from Albany and Troy, north and west to the lakes, it is deserving of particular attention and support, by all who are interested in the growth and prosperity of the city. This attention and interest is more par-

* The returns made since the date of this report, show a steady increase in the business of this road.

ticularly demanded at the present time, in consequence of the efforts making to reach Albany by rail roads, from other sea-ports in the states of Connecticut and Massachusetts.

I cannot better, perhaps, close this report than by quoting the following from the communication to which I have already alluded, as having been but recently made to the President and Directors of the New York and Erie Rail Road Company :

"While other cities upon the sea-board, Boston, Philadelphia and Baltimore, have opened to themselves railway communications, extending into the interior, by which supplies of provisions, fuel, &c., can be procured at all seasons, New York is, as yet, unprovided with any such communication.

"From the period of the closing of the canals to the opening of the navigation in the Spring, embracing more than one-third of the year, she is dependent mainly for her supplies upon the accumulation during the season of navigation, and the contributions of the adjacent country, which are usually reserved to the period when they will command the highest prices.

"The opening of a *continuous* line of railway, leading into the fertile regions of the interior, will remedy, to a very considerable extent, this evil, and serve to prevent the existence of those monopolies which so easily spring up under the present limited sources of supply, and which will continue to be more severely felt in proportion as the population of the city and the adjacent country is augmented.

"The great interest possessed by the city of New York in the construction of the New York and Albany Rail Road necessarily induces a reciprocal interest on the part of those portions of the interior of the state, which are so situated as to be able to avail themselves of the road when constructed.

"The benefits accruing to those portions, in being able to communicate with the city at all seasons, with the great additional value which the road will impart to the lands and other property wherever its influence shall be felt, cannot, from their magnitude, be easily calculated. As a public enterprise, in this view alone, it will richly repay to the people of New York, any favors it may receive at their hands, in aid of its construction."

EDWIN F. JOHNSON,

Chief Engineer of the New York and Albany Rail Road.
NEW YORK CITY, December, 1838.

APPENDIX No. 2.

NEW YORK, JUNE 27, 1840.

JOSIAH RICH, *Esquire, Chairman of the Special Committee of the Common Council of the City of New York, on the subject of the New York and Albany Rail Road:*

SIR—In compliance with your request that I should furnish you with statistical and other information in relation to the *New York and Albany Rail Road*, I have the honor to present for your consideration and that of the Committee, the annexed estimate of this rail road. Receipts, \$1,000,000, expenses, \$417,000—nett, \$583,000; also, to a table of other rail roads. Since the estimate made in 1838, and annexed to Mr. J. B Scoles' report to the Legislature of 1839, (Assembly Document No. 171,) the ratio of receipts for *passengers* has been increased, and the income from *freight* diminished, and charged in form, derived from recent information.

At the first view, the estimate of one million of dollars for gross receipts on this great throughfare, as the average of the next ten years, may surprise those who are not acquainted with the commerce and travel of the interior, and the daily wants of, and intercourse with, a great city.

It is generally understood, that the tolls on our canals are about one-third the expense of transportation. The revenue of the New York Canals, for the last three years, gives a yearly average of above \$1,500,000. If this view is cor-

rect, \$4,500,000 is paid for tolls and labor in seven months' transportation. It is ascertained that more than eight-tenths of the produce, merchandise, &c., the transportation of which gives this result, is derived from our own State, and is confined principally to a line of 363 miles, from Albany to Buffalo.

In the estimate referred to, the amount will probably be within actual results. As a proof, the canal tolls on merchandise and manufactures have reached, in round numbers, \$600,000, for the last year; being more than one-third of the receipts of tolls on all the canals. It is not extravagant to suppose, that one-fourth of this amount, \$450,000 (to include the expenses of transportation,) would seek the railway, for celerity and certainty of arrival, on such a thoroughfare as the New York and Albany Rail Road.

There is a more enlarged view to be taken of the benefits to be derived by the inhabitants of this city, from the construction of the New York and Albany Rail Road, than that of the large per centage it promises to those who invest in it, to wit:

First. By the reduction in the price of articles daily required for the consumption of families, by *cheaper transportation* into the city, *at all seasons of the year*, without the hazard of interruption by ice, at periods when the poor suffer, and prices are advanced.

Second. The railway will prevent, to a great extent, *monopolies* in bread stuffs, and the forestalling of our markets.

Third. With a railway to Albany, Troy, and the West, we can successfully compete with Boston; without one, our interior trade and foreign commerce, must decrease. The interior trade is the most important to this city.

Fourth. In a military point of view, and for the defence of this city, the railway is of the first importance.

It is admitted, with respect to the first of the above items, that there are 50,000 families, or upwards of 300,000 souls, in the cities of New York and Brooklyn, yearly on the

increase. This increase has continued, in a rapid ratio, since the completion of the Erie Canal, in 1825. It has resulted, in a great degree, from our *interior trade*, in connection with the freight and coastwise lines of packets. Also, from the favorable position of the City of New York to control the trade of the interior, and of the seaboard.

It has been calculated that if each family, with the present population, is enabled to save only one shilling per day, in meats, vegetables, milk, wood, charcoal, &c., by means of cheaper transportation, with six persons to a family, it will give \$2,250,000 per annum—a saving to the city of the cost of the road, for a single track, in one year.

It is ascertained, by the farmers of Dutchess and others on the line of the road, that when milk is reduced into butter, and is sold at twenty-five cents per pound, it yields them only one and a half cents per quart, with the loss of their labor. The estimate for 50,000 families, for one year, gives, at three pints per day, for each family, 27,385,000 quarts per annum. This does not take into view large hotels, steamboats, packets, &c.; it is safe, therefore, to state, that one cent, perhaps two, will be saved by the construction of the railway, and give a contingent benefit to the poor of \$ 273,000

The consumption of flour in this city, for five months during the winter and spring, exceeds 1,500 barrels daily. At this rate this equals 225,000 barrels. A railway to the mills in the interior will equalize the price, and by preventing combinations on the close of our canals, and short supplies, may save in price from \$1 to \$3 per barrel—say 337,500

If the daily expenses of a family of six persons is only one dollar, for articles from the country, it gives a total of \$18,250,000 per annum. It is probable that the rail road into the centre of this city, would save at least seven per cent., (perhaps ten per cent.) 1,277,500

\$1,888,000

This estimate is but an approximation to the benefits to be derived by the citizens generally, on the completion of the New York and Albany Rail Road. It is equal to the interest on a capital of \$32,480,000, at six per cent.

It is difficult to estimate the amount of per centage of increased value given to the property on the line of the railway, and in this city, by a railway direct to Albany. Its completion will open to us a second Hudson River. It will connect us with Buffalo, and 1,500,000 of our best customers, by an unbroken chain of railways, *the whole year*. Less capital will be required to do business, and credits for the interior will be on a more firm basis.

There is reason to expect, that on the construction of a railway up into the *rich grazing districts* of Putnam, Dutchess, and Columbia Counties, an entire change will take place in our *slaughter house establishments*, particularly during the summer season. For cheapness and cleanliness, they will be removed up along the line of the road. The business of sales of the carcass will be separated from that of the butcher. The orders of the former will be sent by the railway, during the night, or afternoon previous, and early the ensuing morning the markets will be supplied with meats in the best condition, superior to what is now offered, the animals being often killed in a state of fever, thirst, and dying from exhaustion, particularly calves and lambs, during the summer.

The railway will give the now secluded farmers of Dutchess, Putnam and Columbia, as observed, another Hudson river. Instead of being obliged to pay five dollars expenses on about 80,000 tons, now transported over a ridge of hills 1,300 feet high, to reach the Hudson, from and near the line of the road, it is safe to say, that at least \$150,000 will be saved to the producer and consumer, and then leave good profits to the rail road at this rate.

Fifth. The communication established half-monthly between Boston and Liverpool, by Cunard's line of steam

packets, added to the extension of the Boston and Worcester Rail Road to Albany, Buffalo and the West, must be looked to with solicitude by every citizen of this island. There can be little doubt, with those acquainted with the subject, that a barrel of flour can be transported from Albany to Boston, (201 miles) for thirty to thirty-five cents. It can be transported at thirty-five cents, with profit to the stockholders, taking into consideration the passengers this road will carry. By the railway, insurance will be saved, and in the event of a war, this item and transportation interior will be a most important consideration. "*The Western Railway*" is constructed so as to support an engine of fourteen tons weight.

It is expected by its projectors to carry 1,000 barrels of flour in a single train of cars, ten miles per hour. This estimate may prove too liberal. With, however, the rails in good order, and with the exception of snows, and severe frosty weather, there is no doubt but that a single locomotive can carry 600 barrels, at a single trip, from Albany to Boston, within twenty-four hours; if a train is started every half hour, it results, that the daily capacity of the road is 28,800 barrels.

The annexed map presents the web connection of the New England manufacturing States, with the "Great Western Railway," and with the City of Boston. Attached also to this report, is a statement of the nett receipts and dividends, of the six principal roads of Massachusetts, with that of the Camden and Amboy Rail Road, and other rail roads in this State, prepared from official documents. This table must carry conviction to the most sceptical, of the increasing profits of rail roads on thoroughfares. This is certain where there is a dense population, and manufacturing interest to support them, with a large city at their termination. Without "*the better improvement of the age*", (railways,) from this city to the water powers of Troy, the Cohoes, Little Falls, Oswego, Rochester, Lockport, and Niagara, the

State of New York will be delayed in her onward march to become, (as she is destined to be,) *the centre of the Manufacturing States*. With a line of railways to Buffalo, we shall continue to be the *Great Mart* of manufactured goods, easy of approach, at all times, from every point in the Union. Should we not construct the New York and Albany Rail Road, the city of Boston will control the sales of nearly all the Eastern manufactures, with a large portion of our bread-stuffs, and other articles, that will flow into that city, from her system of railways, connected, as they will be, with this State, and beyond it, (in time,) to the Mississippi.

Sixth. In a military point of view, "*for the defence of the City of New York*, a railway communication with the Depot and Arsenal at Watervliet, and the interior, is declared (by General Scott,) to be highly important." A railway from the seaboard to the upper lakes, will be the best *Telegraph* that can be established. Troops, with their equipments and provisions, *can follow the Signal*, at the rate of 300 miles per day, instead of 15 or 20. For the defence of Boston and New York, the New York and Albany Rail Road, in connection with the "Great Western Rail Road," is of great importance to both cities. This line is not exposed, like the proposed Sound route, to an attack and destruction by an enemy. The great mail, from Maine to New Orleans, with munitions of war, can pass securely, on the *interior route*. The difference in distance from Boston to New York will be but little in favor of the exposed Sound route. In *time*, the distance will be the same, from a variety of considerations.

Other views may be taken, of the importance of this road to the City of New York. I am, however, admonished, in this hasty review of some of its benefits to this city, and to the stockholders of the road, that I have trespassed too long on your attention. The importance of the subject, and zeal in the cause, must be my excuse. I cannot, however, close, without stating my firm conviction, that an investment in a

railway connected with thousands of miles of similar works, leading to the West, to the North, and to the East, through rich and populous agricultural districts, from a city that will centre in and around it above 500,000 souls, ere ten years have passed, *must be the most profitable* road in the United States. Referring to the annexed estimate for the average receipts for the next ten years, after the completion of the road,

I am respectfully your most obedient,

JOSEPH E. BLOOMFIELD,
Commissioner N. Y. & A. R. R.

STATEMENT

Of the estimated Receipts and Expenditures of the New York and Albany Rail Road.

RECEIPTS.

The receipts for the transportation of *passengers*, taking the Utica and Schenectady Rail Road as the standard, will amount at the present time, to \$700,000 per annum. The *way* travel, it is anticipated, will be much the greatest, upon the New York and Albany Rail Road. Both the *through* and *way* travel will be the greatest upon the New York and Albany Rail Road, during the season of the closing of navigation. As an offset to these advantages, the charges on the through travel will be less, probably, by two-thirds of the year. It is deemed a safe estimate for the ensuing ten years, after the completion of the road, to place the receipts for *passengers* at (See Note A) \$520,000
For transportation of the Northern mail 30,000

The amount now paid for transportation of *produce* and *merchandise*, from the section of country through which the road will pass, to the nearest navigation on the Hudson River, has been estimated by intelligent persons, at above \$400,000. It is considered safe to assume, that the railway will receive for the conveyance of the commodities above, delivered in the City of New York, instead of on the banks of the Hudson, the average amount annually, for the next ten years, of 250,000

Amount carried over \$800,000

Amount brought over	\$800,000
It is anticipated that the facilities afforded by the rail road, will increase the transportation of commodities furnished by the section of the country mentioned	50,000
Transportation of merchandise, to supply the region of country in the vicinity of the route; to include, also, the spring trade, that destined for the <i>West</i> , and agricultural products obtained from thence in return, may amount to \$300,000, but say, for the next ten years, only	150,000
<hr/>	
Average gross receipts for ten years	\$1,000,000

EXPENDITURES.

The amount paid by the Utica and Schenectady Rail Road, for the conveyance of the passengers and mail, as above stated, is \$87,400, making for the difference in the length of the road, \$150,000. The New York and Albany Rail Road can be operated, it is believed, with, if any thing, greater economy, on account of its greater length; we will, however, assume the expense to be\$150,000

The actual cost of transporting the amount of *freight*, yielding the revenue estimated of \$450,000, exclusive of the use of the road, will not probably exceed 225,000

Amounts carried forward \$375,000 \$1,000,000

Amounts brought forward	\$375,000	\$1,000,000
Repairs, and renewals of the road, fences, &c., estimating for 140 miles of road, at \$300 per mile, is	42,000	
Total expenses		417,000

Total nett receipts \$583,000

Equal to near 15 per cent on a capital of \$4,000,000; a sum adequate to construct a double track, with fixtures to operate the same, in the most permanent manner.

JOSEPH E. BLOOMFIELD,
Commissioner N. Y. & A. R. R.

Note A.—From information received since the foregoing estimate was made out, derived from intelligent persons connected with the navigation of the Hudson River, and proprietors of steamboats, as contained in a memorial to the last Congress, it is stated as follows, namely:

That the travel upon the river from 1824 to 1829, was	1,334,000
Do. " 1829 to 1834 "	2,231,520
Do. " 1834 to 1839 "	3,706,000

The average for the last five years has been 741,200. This gives for 8 months, or 240 days, 3,088 passengers, conveyed daily on the Hudson River.

It is safe to assume from the above, that 3,500 persons daily pass and re-pass in steamboats on the North River, at the present time, without taking into account the large number carried by the sloops and market boats. In the document referred to, it is stated that 547,600 is the average number of the *through* passengers, during the last five years, up to th

1st of January, 1839, equal to 2,281 daily; this leaves 193,600 for *way* passengers. It is safe to estimate that two-thirds to three quarters of this number come from the east side of the river. This would give, at three-quarters, 145,200. Of this number at least 80,000 will find it most convenient to make use of the rail road during the season of navigation; and for the whole year the number will probably be swelled to 110,000 or 120,000. Supposing that only 25 per cent. of the present *through* passengers take the railway, estimated at this time at 3,500 daily, for eight months, we have 210,000. These numbers correspond, in a remarkable manner, with the estimate of Mr. Redfield, to the Legislature of 1839. (Assembly Document 171.)

This serves to prove, that the estimate of \$520,000 for passengers, based on the actual receipts of the Utica and Schenectady Rail Road, is *much within the truth*. An intelligent and practical man, connected with the North River Steamboat and Transportation Lines, estimated that the average gross receipts for passengers on the New York and Albany Rail Road, for the next ten years, after the completion of the road, would *exceed*, rather than fall short of \$750,000 per annum, and gave as a reason, the experience on the Philadelphia, Wilmington and Baltimore Rail Road. This road has drawn to it, even at high prices, nearly the entire travel that formerly passed by the Delaware and Chesapeake Steamboats, between Philadelphia and Baltimore. It is considered that the saving of from four to six hours in time, over the fastest steamboat, will draw to the rail road a large share of the travel and business now done on the Hudson, even in the summer season.

To use the language of Mr. William C. Redfield, in a letter attached to the report of Mr. Scoles, (Assembly Document No. 171, 1839,) he observes, "I must acknowledge, that the experience of the past year, (1838,) has changed my views in regard to that portion of the income of the New York and Albany Rail Road, which will be derived from *the travel*

through the entire route, during the season of navigation. It has been calculated that only a small portion of this travel would be diverted from the steanboats, and that the principal support of the rail road, during the navigating season, must be derived from the extensive amount of *way* travel and transportation which pertains to the route: it now appears, however, that more than one rail road has been opened, in direct competition with steamboats, and the result has been, that a very large portion of the travel has been transferred to the rail roads, *even at increased prices."*

TABLE

Of the Length, Cost, Receipts, Expenses, with Dividends, of six of the principal Rail Roads of Massachusetts, during the year 1839, compiled from the "Annual Reports to the Legislature, under oath":

Name of road.	Length of road.	Cost of road.	Cost per mile.	Expenses	Receipts.	Receipts from passengers.	Receipts from freight.	Net profits.	Net per cent.	Dividend, 1839.	Dividend, 6 mos. 1840.
Boston and Lowell...	25.75	1,608,476	62,465	92,151	241,220	135,037	106,131	149,069	9½	8	4
Boston and Providence	41	1,782,000	43,460	93,562	312,907	234,237	79,670	220,345	12½	8	3
Boston and Worcester	44.50	1,799,255	40,433	126,384	231,807	122,496	109,311	105,413	6	6	3
Eastern, (incomplete).	25	1,306,196	32,655	53,174	125,623	113,068	12,564	72,449	5½	4½	
Taunton Branch.....	11	250,000	22,791	40,711	58,018	40,910	17,108	17,307	7	6	3
Nashua and Lowell..	14.25	353,662	24,321	29,885	55,053	36,647	18,406	25,168	6½	6	4
Total	161 m.	7,099,589	44,096	435,867	1,025,628	682,385	343,190	589,761	8½		

Note.—In addition to this view of the *income* of six of the principal railways in Massachusetts, (which could now be built for half to two-thirds what they then cost,) we perceive that 161 miles of road has cost \$7,099,589, and has yielded $8\frac{1}{2}$ per cent. nett, with the *freighting business* in its infancy; yet this item of freight is already in the ratio of 1 to 2, compared with the receipts from passengers. The total expenses are in the ratio of \$435,867 to \$1,025,628 for receipts. This shows that the allowance made in the annexed estimate of \$417,000 expenses to \$1,000,000 receipts, is probably very nearly correct. Had these roads formed one continuous line instead of being short detached roads, the receipts would have been much greater, and the expenses some 20 to 25 per cent. less. The expenses on the Harlaem Rail Road ($7\frac{3}{4}$ miles,) exceeds the expenses on the Utica and Schenectady Rail Road, (78 miles)—horse power being used, in part, on the former, and not on the latter. Offices and agents are nearly the same on a short, as on a long route. There should be but one unbroken line, Company, and interest, from this city to Albany and Troy.

It should be taken into consideration, that independent of the Western and Northern travel and trade from along the line of the Erie Canal, Ogdensburg, Lake Champlain and Canada, four of the New England States, seeking intercourse with the commercial emporium of the United States, must come on to the New York and Albany Rail Road at certain periods of the year. In calculating the income of the New York and Albany Rail Road, it should be taken into account, that railways are destined to change our whole courses of business. The enterprising trader, in many of the villages of the West, who has his goods on his shelves at the earliest dates, by the line of railways, will induce his equally intelligent neighbor to do the same, at any cost of freights.

TABLE

Of Length, Cost, Receipts and Expenses, and Dividends of the following Roads, derived from published reports of the Directors for 1839; also from Assem. Doc. No. 314, for 1840, to the New York Legislature.

Name of Road.	Length of Road.	Cost of Road.	Receipts.	Expenses.	Net Income.	Net per Centage per ann.	Remarks.
<i>Camden and Amboy, without steamboats, real estate, canal, wharf, &c..</i>	92	\$2,291,802	\$685,329	\$258,043	\$427,286	18.4	The Camden and Amboy Rail Road Co. had to sustain the Delaware & Baltimore Canal, at a cost of \$2,616,466. Also steamboats, coal fuel, wharfs, &c. cost \$829,055. The Canal does not net 3-9ths per cent.
<i>Ditto for 7 years</i>	.....	.....	4,637,535	2,253,993	2,383,542	14.4	This rail road has earned its cost in 7 years.
<i>Philadelphia and Baltimore</i>	.....	4,379,225	490,534	296,131	194,503	4.4	The dividend 1st Jan. to 1st July, 1840 is 3 1-2 per cent.
<i>Mohawk and Hudson</i>	15.7	1,000,000	155,531	84,441	71,099	7	First year of dividend, owing to its costing near \$70,000 per mile.
<i>Syracuse and Utica, 6 mos.</i>	53	893,889	125,323	34,768	90,545	20	The returns for the last 6 months not reported.
<i>Utica and Schenectady</i>	78	1,500,000	393,540	87,412	306,128	20	Dividend last and this year at the rate of \$10 for \$80 paid in with a large surplus for extra turn-outs and repairs.
<i>Hudson & Berkshire, 6 mo's.</i>	34	535,000	36,464	15,125	21,339	8	The value of the Utica Stock in market is 138 per cent.—Syracuse 130 per cent.—Cost, supposed about \$300,000—not reported.
<i>Long Island</i>	27	800,000	56,482	46,408	10,074	14	The ordinary expenses were \$84,888, the difference \$17,500 was company on \$300,000, the debt of the company was \$300,000.
<i>Harlaem</i>	7.4	1,100,000	99,784	104,468 4 p. ct. loss.			The expenses of the road nearly equal those of the Hudson and Schenectady of ten times its length

APPENDIX No. 3.

Proposition of the Counties of Putnam, Dutchess and Columbia to the Common Council of New York, to build 40 miles of the New York and Albany Rail Road.

BARCLAY STREET, 11 o'clock, June 25, 1840.

The Committee, in conformity with their duty, on a subject confided to them, organized by calling Jonathan Aikin to the Chair, and appointing John M. Ketcham, Secretary.

A communication from Mr. Richard P. Morgan to this Committee was received, stating that the Common Council of this city, had proposed to confer with them, on the important subject of constructing *the New York and Albany Rail Road*, as a reciprocal benefit to both city and country.

The Committee would thereon submit to the consideration of the Common Council particularly, and others interested, the following statement of facts.

1st. The distance from the City Hall New York to Albany is $147\frac{3}{4}$ miles—estimated to cost by actual proposals, with adequate security, for the construction of a single track, and putting the same in operation, \$2,650,000, and should an arrangement be entered into with the Boston and Albany Rail Road Company, to adopt one common line, from south of Kinderhook to Albany, about 23 miles may be deducted

from the north end, leaving 117 miles for the construction of which means are to be provided.

The inhabitants whom this delegation represent, will construct the Rail Road through the county of Dutchess, which is nearly forty miles, and is more than one-third of the whole distance. In addition to this, *the right of way* has been obtained, on other parts of the line ; in Westchester county, 34 miles of this distance, 15 miles are gratuitous. In Putnam county, with very few exceptions, the whole distance is given. In Columbia county, above three-fourths of the lands have been released, on favorable terms. The surveys on the whole line exhibit the most conclusive evidence of the comparative superiority of this route, and that the enterprise could be completed within a short period.

To build about 78 miles is all that is required to secure a continuous line. We appeal therefore, to the Honorable Committee of the Common Council, if we are not justified in the expectation, that the citizens of New York will at once come forward, and pledge themselves to effect this object. We can scarcely believe it possible that they will hesitate to do so, if they thoroughly understand the subject. With us, it is a matter of common interest. We sustain no positive loss, should the Rail Road fail to be built ; but to the City of New York, it is essential to preserve their most important trade. Our application to your honorable body, is with a view to test the true state of public feeling, and by your aid, if necessary, to convey to them the requisite information. We believe that a statement of facts, emanating from so influential a quarter, will have an important bearing on the people at large ; and we would respectfully propose, that a general meeting of the citizens be called at some convenient time and place, and that it be proposed to the Mayor and Common Council as essential to the public welfare, to take the most efficient measures within their power to bring about such a result as shall ensure the immediate construction of the *New York and Albany Rail Road*.

Submitted to the Honorable the Common Council of New York.

JONATHAN AIKIN, Chairman,
On behalf of the Delegates of the Counties of Putnam,
Dutchess and Columbia.

JOHN M. KETCHAM, Secretary.

APPENDIX No. 4.

*Extract from the Proposition for constructing the New
York and Albany Rail Road: Tendered March 25th,
1840.*

For grading, bridging and masonry for the 140.7 miles from Harlaem River to Albany, including whatever is necessary to complete the road-bed for a single track of railway, with the necessary turn-outs.....	\$1,600,000
For the rail track, with a timber rail, surmounted by an iron plate one-sixth heavier than that used upon the Utica and Schenectady Rail Road, including turns-out.....	890,000
For eight new locomotive steam engines, of the most improved construction, which are not to be inferior in power and speed to those now in use upon the Utica and Schenectady Railway, together with thirty passenger cars, with eight wheels each, and one hundred freight cars...	150,000
Total, for 140.7 miles.....	\$2,640,000

The road-bed and rail track to be completed, and engines and carriages furnished within thirty-six months from the date of the contract.

Payments to be made monthly as the work progresses, not exceeding at any time nine-tenths of the value of work done and materials furnished.

The road to be piled where the ground is low and marshy, and a moiety of the payments to be made in the capital stock of the Company, at its par value.

DOCUMENT No. 11.

BOARD OF ALDERMEN,

JULY 24, 1840.

Report of the Joint Special Committee, to whom was referred a communication from a Committee of Citizens of Bridgeport. Laid on the table, and four times the usual number ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Joint Special Committee of both Boards of the Common Council, to whom was referred a communication of a Committee of Citizens of Bridgeport, inviting the attention of the Common Council to the Housatonic Rail Road, and asking the appointment of a Committee on their behalf to examine the same, respectfully

REPORT:

That in pursuance of the resolution under which they were appointed, a portion of the Committee, accompanied by a delegation from the Board of Trade, several members

of the Committee on the proposed Albany and New York Rail Road, and a number of highly intelligent citizens of New York, proceeded to Bridgeport on the 14th of July instant, for the purpose of acquiring such information in reference to the Housatonic Rail Road, as might be of interest to their fellow citizens. In the prosecution of their inquiries, they were cheerfully and most materially aided by the President and Directors of the company, as well as by the citizens of Bridgeport, and of the various villages along the line of the road to its proposed termination at the north line of Connecticut, as well as of that portion of the State of Massachusetts through which the Berkshire Rail Road, connecting the Housatonic Rail Road with West Stockbridge, in Massachusetts, is designed to pass. They trust also that it will not be deemed inappropriate here to acknowledge the hospitality with which, in the prosecution of their route, they were every where received, and the alacrity which was in every quarter evinced, in placing at their disposal the requisite means of information as to the important subject upon which they were engaged.

Before proceeding to state the conclusions to which their examination has brought them, the Committee deem it proper to advert for a moment to what they conceive to be a misapprehension as to the character of the appeal which the Housatonic Rail Road Company make to the citizens of New York—a misapprehension well calculated to cast an unjust prejudice upon the enterprise in which that company is engaged, so far at least as it may affect the reasonableness and propriety of their claims upon the co-operation and liberality of our citizens. It is well known to the members of the Common Council, as well as to the community whom they represent, that at the same meeting of the Board of Aldermen, at which the citizens of Bridgeport called the attention of the public authorities of this city to the enterprise referred to, and immediately before the presentment of their communication, a large and highly respectable body of citizens of

the County of Dutchess, and of other counties in our own state, between the Cities of New York and Albany, had presented a communication invoking the co-operation of the authorities and citizens of New York, in behalf of a contemplated rail road between the commercial metropolis and the capital of our State. The communication of the citizens of Bridgeport, had reference also to the importance, so far as the City of New York was concerned, of securing, by means of the Housatonic Rail Road, a convenient chain of communication between New York and Albany, in time to counteract the diversion of trade from our political capital to Boston, during the period when the Hudson is closed, by means of the great Western railway between those cities, now in course of construction. The effect of this view of the subject, and of the simultaneous application of the parties interested in both projects, for aid from the City of New York, has therefore, perhaps, naturally enough, given rise to the impression that these enterprises were to be viewed as rival, and consequently hostile in their character; and that the question to be submitted to the citizens of New York, was, to which of them, if either, their countenance and aid should be afforded.

It is due alike to our Bridgeport neighbors, and to the views which have actuated the Committee throughout this investigation, to correct, in the outset of their remarks, a misapprehension, injurious, and perhaps fatal, to one or both of these enterprises. The Common Council, in disposing of the respective communications of the parties interested in both projects, by the act of assigning the examination of them to distinct Committees, clearly evinced that they did not regard the subject in this light; and in all the communications which the Committee have had with the Directors of the Housatonic Rail Road Company and with the citizens of Bridgeport and along the line of country through which that road is designed to pass, they have found a disposition to avoid any thing like a comparison between the intrinsic mer-

its of the two roads, and a ready admission of the propriety as well as necessity of a direct rail road communication between New York and Albany, within the borders of our own state. They have desired to place the advantages of their enterprise before us, upon its own merits alone, and to appeal to the co-operation of our citizens, upon a full and fair review of the benefits, they must, as the commercial emporium of the country, derive, from extending the facilities of communication between themselves and the now locked up and hidden treasures which skirt the valley of the Housatonic; and while they do this, they proffer to us, not in the spirit of invidious rivalry of the enterprise of own citizens, but in the just and commendable spirit of mutual advantage, the means of a perfect temporary communication between our two principal cities, in ample time to preserve our domestic trade from encroachment by the Boston capitalists, should it become apparent that that object cannot be fully accomplished by the immediate completion of the New York and Albany road. Into the practicability of the accomplishment of this latter object the Committee do not deem it a part of their duty to inquire. They are willing to abide by the examination of that subject by the Committee to whom the duty of its investigation was assigned, aided by the wisdom and intelligence of the Common Council. They trust they need not add, that as citizens of New York, deeply interested in her prosperity and continued advancement, as well as cherishing a just pride in works of improvement within our own territory, they cordially unite with the most ardent and devoted, in the sentiment that duty and interest alike combine in enforcing the necessity of a speedy and direct line of rail road communication between the Cities of New York and Albany. At the same time, they deem it perfectly consistent with these views, to say, that if upon a fair experiment, either from the disadvantages consequent upon the present pecuniary derangements, or from any other cause, that work cannot be completed within the time fixed for the completion of

the Boston and Albany Road, the same motives of duty and interest, regarding the preservation of our internal commercial resources, within our own borders, as paramount, enforce most strongly the necessity of availing ourselves of such temporary means of avoiding the impending danger, as circumstances or foresight may place in our way.

Upon this consideration, however, the Committee desire to be understood as placing no great stress. Regarding, as they do, the resources and enterprise of our own great State, as adequate to the attainment of any object connected with our internal prosperity and advantage; and appreciating, as they do, the lofty feeling of State pride which has ever characterized her schemes of internal improvement, they do not doubt that this object is within the reach, not merely of possibility, but of speedy attainment; and they will not permit themselves to believe, that the temporary means of intercommunication, which are proffered by our sister States of Connecticut and Massachusetts, by the roads connecting Bridgeport and West Stockbridge, should such become necessary or available, would, in any considerable degree, interfere with, or check the grand project of an internal communication between the points referred to within the limits of our own State.

Laying aside, therefore, this view of the subject, and turning to the more legitimate one, and that directly embraced in the reference to the Committee, the question arises, what are the intrinsic capacities and advantages of the Housatonic Rail Road, upon which rests its claims to the aid and support of the citizens of New York?

On this head we have been furnished with a full and satisfactory reply in the first Annual Report of the Board of Directors of that institution, presented to the stockholders on the 31st of October, 1838, a copy of which is annexed to, and is to be considered a part of this report. Upon the facts and statements contained in that document, the Committee do not deem it necessary to enlarge, but content themselves

with the assurance, founded upon a careful examination of its details, and a comparison of them with the enterprise in question, that, considering it to have been made eighteen months before the completion of the road from Bridgeport to New Milford, and some time before the commencement of the work, its anticipations and calculations have been verified in a most extraordinary degree. The Committee commend it to the reflection and consideration of the Board and of the public.

From this document it will be seen that the line of the road from Bridgeport to the north line of Connecticut, winding along the valley of the Housatonic, and extending through a country possessing vast mineral, agricultural and manufacturing resources, is seventy-three miles in length. Of this distance, thirty-five miles have been already completed, to New Milford, at an expense of about \$460,000, and with this singular feature, at once indicative of the enterprise of the people, and the abundant resources of the country through which it passes, that no portion of the stock is owned at a greater distance than five miles from the line of the road. The opening of the road from Bridgeport to New Milford took place in February last, (1840,) having been delayed about two months beyond the time anticipated, in consequence of unexpectedly finding rock and quicksand in two or three heavy sections, and of frequent and very heavy falls of snow during the early part of the last winter.

From the time of its opening to the present, it has been in regular operation, and its business has been regularly and steadily increasing. For the month of June last, the receipts for passengers and freight were \$4,286 20, making a daily average of \$164 85. We have been assured that the whole daily expenses of the transportation department do not exceed fifty dollars, and that the additional sum of fifty dollars is more than an ample allowance for all the other expenses of the company, including the salaries of its officers, office rent, wear and tear of road, engines and cars, and all the in-

cidental expenses of keeping the road, &c., in as good repair as they now are; and further, that an increase of business to the amount of from one hundred to one hundred and fifty dollars per day, would not add to the daily expense more than from ten to fifteen dollars. Assuming this information to be correct, (and the Committee are satisfied that it is so,) whatever increase of business there may be, within the capacity of the present trains, as now running, will be almost entirely nett gain; and the company will no doubt be able to show, at the end of the year, a nett profit on their business of from four to six per cent, upon the investment thus far expended; and this, at a time when the whole business of the region of country through which the road passes, is at its lowest ebb, and is not probably more than one-half what may be reasonably anticipated in a year of ordinary business activity.

It is stated in the report to which the Committee have referred, that there was apportioned under the contract, to the southern division of the road, the portion from Bridgeport to New Milford, and which is now completed, the sum of \$450,000. The northern division had not at that time been located and accurately estimated. This has since been done, and an addition of \$10,000 made to the southern division, and the same amount deducted from the northern, so that the construction of the road from Bridgeport to New Milford, costs the company \$460,000, and from New Milford to the State line \$476,000. In addition to the sum paid to the contractors for the construction of the southern division, there are the costs of the right of way, of cars and engines, of depot buildings, water stations, and other fixtures, salaries, engineers' services, contingent expenses, and profit and loss, including a large sacrifice on the Bridgeport city bonds, which were received by the company at par, and sold at a discount; all which, added to the cost of construction, make the whole present cost of the road and all the property of the company, as it now stands, about \$575,000. For the construction of the

northern division, there is due on the stock of the contractors about \$162,000, after deducting the amount which has been applied to the southern division, and they are ready to proceed with the work, and apply that amount, whenever the company are ready to comply with their part of the contract. The right of way is provided for by contracts with the land holders, to permit the company to enter and construct the road, and receive their pay either in stock or cash, after the road shall be completed. The whole line is carefully located and ready for letting, and all the necessary officers are now in the employ of the company, and will be paid for their services out of the proceeds of the present road. Nothing more, therefore, is wanting, except a sufficient amount of means to pay to the contractors the portion of the contract price which is payable in cash.

The company, as they assure the Committee, (and the assurance derives great weight from the past spirit of enterprise which has been evinced in carrying on the work,) confidently anticipate that a large number of individuals in Bridgeport and along the line of the road, will readily subscribe to the stock of the company, for the completion of the northern division of the road, whenever they can be satisfied that arrangements of such a nature are made, that they can rely on the immediate and vigorous prosecution of the work. And if they procure foreign aid, either by subscription or loan, to the amount of \$150,000 or \$200,000, they express an undoubting confidence that they can commence immediately and prosecute the northern division of the road, and complete it to the north line of Connecticut by the time of the closing of the navigation of the Hudson, next year.

At this point, as has been already remarked, the Housatonic is designed to connect with the Berkshire Rail Road, from Sheffield to West Stockbridge in Massachusetts, a distance somewhat exceeding twenty miles. The Committee prosecuted their journey along the entire line of this road, and from personal observation are enabled to say, that a more eli-

gible route for a rail road can scarcely be imagined. The report of the engineer of the company, made on the 4th of June last, with a copy of which they were furnished by Col. Barnard, the President of the company, and which is annexed, abundantly sets forth the capacities and advantages of the road, and the Committee are well assured that the same spirit of enterprise will be evinced by those upon its line, when assurances can be given of its connection with the Housatonic Rail Road, as has been already referred to in relation to the latter enterprise. In aid, however, of its completion, a loan or subscription to the amount of \$150,000, will be required; and thus by a loan or subscription of \$300,000 in all, an entire chain of communication from Bridgeport to West Stockbridge, a distance of about 95 miles, will be easily and certainly attained. From that point to Albany, the West Stockbridge and Albany Rail Road Company are rapidly proceeding, and will soon complete the communication. That route once completed, the facility of a winter communication from New York to Albany, should such be necessary, by way of Bridgeport, from the non-completion of the New York and Albany road in time, will be speedily attained.

In this view of the matter, and with this unvarnished statement of facts, the correctness of which the Committee believe cannot be questioned, they submit the result of their enquiries to the Board, and to their constituents. The action which may be had upon the suggestions they have made, they leave to the wisdom of the Common Council, with the single expression that in their opinion the enterprises referred to are well worthy of the candid consideration of their fellow citizens. Direct aid from the city authorities is not asked, nor indeed can it, under the charter of the city, be furnished. To the enterprise and activity of the capitalist alone, can an appeal be made, and to the careful consideration of that class of our citizens, we confidently commend the application referred to us, as deserving of a liberal and generous response.

In conclusion, the Committee beg leave again to assure the

Board that they have endeavored to regard the subject upon its merits alone. The idea of rivalry or hostility between this enterprise and that of the New York and Albany Rail Road, they entirely disclaim; and in doing so, they are happy in being enabled to say, as they have already done, their views meet the entire concurrence of the Housatonic Rail Road Company. Viewing this as a mere *local* project, and without reference to other considerations, it is, in view of the Committee, a work in which the City of New York has a direct interest. Pointing as it does directly to that city, passing through a valley rich in agricultural and mineral products, almost all of which seek a market in that city, an improvement which shall increase the amount and cheapen the cost of those productions, must be of incalculable value to the merchant as well as the consumer in our great metropolis, and as such cannot fail to address itself to the favorable attention of those with whom rests the question of its completion.

Respectfully submitted.

DAVID GRAHAM, Jr.
NATHANIEL JARVIS,
CALVIN BALIS,
ELIAS L. SMITH,
ABRAHAM HATFIELD,
MOSES G. LEONARD.
JOHN A. UNDERWOOD.

APPENDIX No. 1.

First Annual Report of the Directors of the Housatonic Rail Road Company.

To the Stockholders of the Housatonic Rail Road Company :

The Board of Directors of this Company were requested, by a resolution passed at the annual meeting of the stockholders, holden on the 3d of October inst., to publish such parts of the reports and statements submitted to that meeting, as in their discretion they should deem expedient. No official report, or statement of the affairs of the Company, from the Board to the stockholders, having ever been published, and it being difficult to select any particular items of information as being more interesting and important than others, we have deemed it advisable to present a concise history of this project, and of all the operations of the Board, from the granting of the charter, up to the present time ; and at the same time to submit a few remarks upon the subject of the resources on which the road must rely for its support when completed ; so that not only the stockholders may be able to form an opinion in regard to the manner in which those having charge of their interests have discharged the duties of their trust, but that also they, and all others who feel any interest in this subject, may be enabled to judge, each for himself, in regard to the present condition of the work, its future prospects, the time when its completion may be expected, and

the probable productiveness of the stock, when the work shall have been completed.

The charter, under the authority of which this Company is organized, was granted by the General Assembly of this State in May, 1836, investing the Company with all the powers usually granted to incorporated institutions of this character, and giving them authority to construct a Rail Road, with a single, double, or triple track, from the north line of this State, adjoining the town of Sheffield, down the valley of the Housatonic river, to a certain point, described in the charter, in the town of Brookfield, and thence either to tide water at the city of Bridgeport, or to the northern termination of the Fairfield County Rail Road, at Danbury, or through Danbury and Ridgefield, to the western line of the State of Connecticut, to meet a contemplated Rail Road from Harlaem, through West Chester county;—thus contemplating not only the furnishing of facilities for transportation to tide water of the immense amount of heavy articles originating in the Housatonic Valley, but also a communication, by means of rail roads, between New York and Albany; the importance of which communication, during that portion of the year when the Hudson is closed by ice, it is believed all are able to appreciate.

No active measures were taken in reference to obtaining subscriptions to the stock of the Company, till the winter succeeding the passage of the Act of Incorporation. During the latter part of that winter a careful survey of the whole route was made, together with estimates of the expense of constructing the road, by R. B. Mason, Esq., the present Engineer of the Company; and the whole expense of constructing the road on the plan finally adopted by the Board of Directors, was by him estimated at about \$1,040,000, or a little more than \$14,200 per mile; the whole distance from Bridgeport to Massachusetts' line being seventy-three miles. After the completion of this survey, a proposition was made to the Commissioners appointed to receive subscriptions to the stock of the Company, to construct the whole road, as surveyed by the

Engineer, for the gross sum of \$936,000, and to subscribe to the stock of the Company \$300,000, to be paid out of the work done and materials furnished, as estimated monthly by the Company's Engineer, the monthly estimates to be made proportionate to the above mentioned gross sum. The Commissioners were of opinion that this proposition was one deserving their serious consideration, and deemed it their duty, forthwith to open the books for subscription to the stock of the Company, although the monetary affairs of the whole country at that time were in such a condition, that even the most ardent friends of the project had but faint hopes of obtaining subscriptions to a sufficient amount to justify the organization of the Company. But they were agreeably disappointed. The city of Bridgeport, in its Corporate capacity, subscribed \$100,000; and with a very limited notice, and a very short time spent, individual subscriptions were obtained in Bridgeport, and in the towns north, in the immediate vicinity of the line of the road, amounting to about \$200,000 more; making in the whole a subscription of something over \$600,000, inclusive of the \$300,000 subscribed by the contractors. This amount obtained almost without notice or effort, wholly within this State, and in the immediate vicinity of the line of the road, from those best acquainted with the route through which it was to pass, and with the resources on which it must depend for support, and this too at a time of pecuniary distress almost unexampled in the history of the country, furnishes a most gratifying, as well as conclusive evidence, of the confidence reposed in this project by those best qualified to judge of its merits.

The Board of Commissioners resolved, with the above mentioned amount of subscription to the stock of the Company, to call together the subscribers and organize the Company in pursuance of the provisions of the charter, so that the stockholders, by their own agents, might take upon themselves the management of their affairs, and to postpone any further solicitation of subscriptions to the stock of the Company, till

the pecuniary affairs of the country should assume a more promising aspect.

The Company was accordingly organized, and the first Board of Directors chosen, on the 5th day of April, 1837.

The first subject which demanded the attention of this Board, was the proposition before alluded to for the construction of the road. This proposition, the Board, after due deliberation and inquiry, determined to accept; and after having taken advice of several engineers standing in the first rank in their profession, they proceeded to make and execute a contract with Messrs. Bishop and Sykes, being aided by two Engineers of distinguished reputation, and by the most competent legal counsel, for the purpose of guarding, at every point, the interests of the Company. This contract is long and minute, containing specifications in regard to the grades and curves, and defining, particularly, the manner in which all parts of the work are to be done, and the kinds of materials to be used, and providing for all contingencies which could be anticipated, out of which difficulties might arise. In substance, however, it binds the contractors to build from the city of Bridgeport, northerly, by the route specified in the charter, to Massachusetts' line, a good substantial and permanent Rail Road, with a single track, and with *turnouts* in addition, of sufficient number and length to accommodate the business to be done on the road. The whole work is to be done under the supervision and direction of the Company's Engineer, and to be finished, with the superstructure, ready to receive the cars, for the sum of nine hundred and thirty-six thousand dollars, which is to be paid as follows, to wit: the Company's Engineer, on the first of every month, estimates the amount of labor and materials furnished upon the road by the contractors during the preceding month, and the amount of this estimate is so apportioned, that such proportion thereof as their stock bears to the whole contract price, is applied in payment for their stock, and the balance is paid them in cash. This proportion varies but very little from

one-third ; so that one-third of the monthly estimates are applied to their stock, and two-thirds are paid in cash. Two-thirds of this stock is, by the terms of the contract, not transferable till the road is completed, and the contract fulfilled ; so that every month adds to the security which the Company holds in its own possession for the fulfilment of the contract. We would remark in addition, that it has been of course necessary to make frequent reference to the contract, and we have never seen, nor do we now apprehend, any reason to doubt that its stipulations are such as abundantly to guard every interest of the Company. It is also due to the contractors, Messrs. Bishop and Sykes, one of whom is a man of much practical experience in works of this character, and the other an engineer of high reputation, to say, that in all our dealings with them thus far, they have shown a disposition honorably and fairly to fulfil both the letter and spirit of their contract, and to do all their work in the most faithful manner.

It was the intention both of the Board of Directors and the contractors, at the time of the execution of the contract, that the work should be forthwith commenced, and pushed forward with all practicable energy during the then ensuing season, but almost immediately after this time, (early in May, 1837,) it will be recollected by all, that the general suspension of specie payments by all the moneyed institutions of the country, occurred. This state of things seemed to call upon those having charge of the interests of this Company, to pause and consider well their situation, before embarking at such a juncture so deeply as to endanger, not only the interests of the stockholders, but also the ultimate success of the road—as any one can appreciate the difficulty of resuscitating a project of this nature, after its pecuniary affairs should have become involved in embarrassment and loss.—The Board, therefore, convened under these circumstances, with (it is believed) a due sense of the responsibility resting upon them, and of the vital importance of so determining as not to prejudice the best interests of those whom they repre-

sented. They at length determined, with the assent of the contractors, that the work should be commenced upon a few of the most difficult and expensive sections, as being those which would require the longest time for their completion—(one of these being a tunnel through rock, and another an embankment of seventy feet in height, and of considerable length,)—anticipating that, by adopting such a course, the time of the ultimate completion of the road would be but little, if any, delayed, while at the same time the greater part of the work might be postponed to another season, and then be graded, ready for the reception of the rails, at as early a period as those more heavy sections could, under any circumstances, be placed in the same condition; and that thus the necessity of making immediate and frequent calls upon the stockholders would be avoided, while the then disordered state of the business of the country should continue. We are happy to say that the course then taken has been fully justified by the result, and that the whole line of the southern section of the road is now in a condition to be graded, ready for the superstructure, by the first of July next, which would not have been practicable had not operations been commenced as they were, upon the heavy sections, during the last year. The work was commenced, as above suggested, July, 1837, and was continued upon those sections first commenced upon, during the autumn and winter next ensuing.

During the last winter, it was thought advisable to again offer to those interested in this work, a further opportunity to subscribe to the stock of the Company, though the state of the money market, and the pecuniary affairs of the country generally, was such, that no one anticipated any great amount of subscriptions, yet, as the notices given when the books were first opened were very limited, and as the information in possession of the people in this region, in regard to works of this character, was, at that time, also limited, it was supposed to be due to them, as well as to the interests of the

Company, to again open the books along the line of the road. They were accordingly opened at Bridgeport, and along the valley of the Housatonic at several points, in the immediate vicinity of the line of the road only. And this effort resulted in an additional subscription by the city of Bridgeport of \$50,000, and individual subscriptions to the amount of about \$50,000 more; so that the whole amount of the capital stock now subscribed on the books of the Company, varies very little from \$705,000.

At the time of receiving subscriptions to the stock of the Company, five dollars on each share was paid in cash, and for another five dollars on a share, notes were taken from those subscribing, payable at sixty days. These notes, with very few exceptions, have all been paid. In the course of the past season, two additional instalments, of five dollars each on a share, have been called for by the Board of Directors, and a very great majority of the stockholders have answered these calls with a promptitude, showing at once their confidence in the project, and their desire to aid in its speedy accomplishment. A very few (as of course was to be expected among so large a number) have been dilatory and negligent in making their payments. Many have paid since the report on the subject of the funds of the Company, exhibited to the stockholders at their annual meeting, was made up; and with regard to the few who are still in arrear, arrangements are in progress, through which, we feel confident that every dollar of stock subscribed will be made available to the Company at its par value.

Having observed that the constituted legislative authorities of other states, including almost every state in the union, in the exercise of a policy not more liberal than wise and enlightened, were extending aid to private enterprise, in the construction of works of this character, either by subscription to their stocks, or by loan of money or of public credit, the Directors of this Company conceived it to be their duty to make an application to the legislature of this state at its

late session, for aid of a similar nature, and thus to afford the state an opportunity to adopt that policy, from which consequences so salutary to the public welfare have resulted, in other states.

We regret that we are obliged to say, that, in this matter, our expectations were disappointed, and that, although all seemed ready to admit the intrinsic merits of our project, and that its completion would confer a most signal benefit upon a large and important section of the state, and that our stock, upon the completion of the road, would, in all human probability, be a highly valuable and productive stock, yet, in the exercise of an over-cautious spirit, or for some other reason, to which it would be useless for us to allude, they refused to extend, in any form, the aid of the state to the assistance of this Company, or to either of the others who made applications of a similar character. At the same session, however, we made application for certain alterations in our charter, in which application, we are pleased to say, we were more successful. One of these amendments authorizes the Board of Directors to fill any vacancies in their Board, which may, through any casualty, occur, by the appointment of some stockholder to hold that office till the next annual stockholders' meeting. Another amendment gives to the Company the authority to build branches from the main track of their road, from any points, and in any direction, at their discretion, of a length not exceeding ten miles, under the same conditions, and with the same powers and liabilities provided for in the charter, as applicable to the construction of the principal track. A third amendment gives to the Company the power and authority to purchase, hold, and lease or rent, any water powers upon the Housatonic River, within three miles of their rail road, and to purchase and hold any amount of land contiguous to such power, necessary for the convenient use and improvement of the power so purchased. The value of these two last mentioned privileges to the Company will be more readily appreciated,

when we come to refer to the resources of the road, in a subsequent part of this report.

An application was made by the city of Bridgeport to the same legislature, and, as this has some connection with the interests of this Company, it may be well to make some reference to that application in this place.

The charter constituting Bridgeport a city, gave to its freemen a very liberal authority to tax themselves, for any legal purpose for which they might wish to raise money, but did not provide any specific mode by which any obligations which they might assume upon themselves, should be enforced in favor of the person or corporation to whom they might become obligated. The freemen of the city, therefore, for the purpose of placing the legality of their acts, regarding the stock of this Company, beyond a doubt, and also for the purpose of giving perfect credit to any obligations they might see fit to issue, in payment of their subscription, made their application to the legislature, setting forth all the proceedings of the city in regard to this road, and asking for the passage of an Act which should effectuate their objects. Upon this application an Act was passed, providing that all the previous proceedings of the city, in relation to the Housatonic Rail Road, be ratified, confirmed, and established, and made obligatory on the city and the citizens thereof; and also granting to the city, authority, at any future meeting, to adopt such other measures, as, in their opinion, should be necessary and proper to carry into effect their previous proceedings; and that all obligations, of any nature which they might issue for that purpose, should be binding and conclusive on the city and citizens thereof, and might be enforced and collected in the same manner, and to the same extent, that debts lawfully contracted by towns are enforced, under the laws of this state. This Act, in pursuance of a provision contained in it, was submitted to a city meeting, held for that purpose, and, with great unanimity, adopted and confirmed by them.

Soon after this, the city of Bridgeport, with a liberality truly praiseworthy, and with a just sense of the importance of this work, as connected with the interests of the city, made, through its agents, a proposition to the Company, offering to issue the bonds of the city, and deliver them forthwith to the Company, to the amount of \$50,000; and when the Company shall, by the estimates of their Engineer, have expended on their road the sum of \$100,000, to deliver to them the bonds of the city for the additional sum of \$50,000; and when the Company shall, in like manner, have expended \$200,000, to deliver to them bonds for the further sum of \$50,000, being the whole amount subscribed by the city to the stock of the Company;—conditioned, that the Company should agree to receive the bonds, and apply them, in the first place, to the payment of instalments then due on the stock owned by the city, and the balance, to the payment of future instalments, as they shall from time to time fall due; allowing to the city interest on all sums in the hands of the Company at any time, exceeding the amount then due for instalments, till such sums shall be exhausted in the payment of instalments.

This proposition was accepted by the Company, and they have received from the city fifty bonds, for the sum of \$1,000 each, payable to the Company or its assigns, ten years from date, with interest payable semi-annually, at six per cent., in the city of New York. Of this sum, \$30,000 have already been made available to the Company in raising money to carry on their work; and the Board of Directors see no reason to doubt their ability to negotiate the remainder, so soon as they shall be entitled to receive them, in pursuance of the terms of the arrangement between the city and the Company above mentioned, as it would seem hardly practicable to devise a better form of security for the capitalist, on which to loan his money, these bonds being payable with interest semi-annually, in the city of New York, and having for their security, not only the pledged faith of the city, but a lien on

all the property therein ; and, in addition to this, a power in the holder to enforce a fulfilment of their engagements by suit at law, in the same manner that an obligation can be enforced against an individual or a town.

It appeared from the reports made to the meeting of the stockholders, holden on the 3d of October inst., that the account of the receipts and expenditures of the Company then stood as follows, viz :

The amount received from stockholders, in cash, was.....	\$33,986 32
The amount received from city of Bridgeport, in bonds.....	50,000 00
The amount received from Bishop and Sykes, in labor done on the road and applied on their stock, according to the provisions of the contract.....	15,105 85
Profit and loss	2 00
	<hr/>
	\$99,094 17

The expenditures were, up to that time, as follows :

Cash paid Bishop and Sykes, for work done in construction of road	\$25,378 59
Bonds of the city, delivered to Bishop and Sykes, as cash	10,000 00
Applied on the stock of Bishop and Sykes, as above	15,105 85
Due Bishop and Sykes on their estimates for work done for the month ending 1st October, 1838	4,504 68
Cash paid for right of way	644 17
Cash paid for engineering, including salaries of Chief Engineer and his Assistants	3,999 25
	<hr/>

Amounts carried over	\$59,632 54	\$99,094 17
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Amounts brought over	\$59,632 54	\$99,094 17
Cash due for engineering	1,799 88	
Cash paid for incidental expenses, including expenses of obtaining the charter, organizing the Com- pany, preliminary surveys, ser- vices of Commissioners and Di- rectors, salaries of the officers of the Company, printing, station- ery, &c.....	3,606 50	
	<hr/>	\$65,038 92

Leaving in the treasury a balance, in cash and
bonds of the city of Bridgeport, of \$34,055 25

Since the above report was presented, (as has been before remarked,) considerable sums have been paid for instalments, one of which had fallen due a short time previously. The avails of a portion of the city bonds have also been realized in cash, and the amount then due to the contractors and Engineers have been paid, and the treasury is now in a condition to meet all the present obligations of the Company.

During the last summer the contractors, Messrs. Bishop and Sykes, have put under contract to sub-contractors, the whole line of the road from Bridgeport to New Milford, a distance of thirty-five miles; and the report of the Engineer, which is appended to this report, will exhibit the condition of the work on the first of October inst. It appears that, at that time, a portion of the sub-contractors were then on the line, and had commenced their work, and that another portion had *not* then commenced. Since that time, all these contractors are on the line, and at work, but all are not yet furnished with the full number of hands which they expect to employ. The whole force now at work on the road is equal to 450 men, and is daily increasing. These sub-contractors are all bound by their contracts to have their respec-

tive portions of the road completely graded by the first of July next, which will leave ample time, during the remainder of the season, for laying the superstructure, and fitting the road to receive the cars, from Bridgeport to New Milford; and we confidently anticipate seeing the road in full operation, between those places, during the winter of 1839-40; and before that time, the contractors intend to put under contract, and commence the work, upon the northern section of the route, and to push forward that portion of the work with all practicable vigor.

In relation to the right of way, we have to remark, that, in a very great majority of cases, the proprietors of lands have given to the Company authority, in writing, to enter upon their lands, and construct the road, leaving the amount of compensation to the proprietor, to be adjusted by future negotiation or appraisal. In those few cases in which the Company were unable to effect such an arrangement, the Commissioners named in the charter for that purpose, have been called out, and have appraised the damages to those individuals, some of whom have been paid the amount of their appraisals, and the remainder will be paid within a few days. In a number of instances also, where leave has been given to the Company to go on and commence their work, definite and final settlements have since been made, on terms satisfactory to both parties, and the lands paid for; so that, on the whole, we apprehend no difficulty or delay from this source.

It will be remarked that the uncertainty in regard to the total cost of construction, which usually attends works of this character, is avoided in the case of this road, in consequence of the fact that a contract is made with a single firm for the construction of the whole road, for a gross sum; which contract, by its own terms and provisions, affords to the Company abundant security for the faithful performance, by the contractors, of all their stipulations. This leaves to be estimated, only the cost of the right of way, and the

ordinary contingent expenses; and with regard to the right of way, so much has already been done, by way of both arrangement and appraisal, at different points along the road, that we feel confident of our ability to estimate that item with a very great degree of accuracy. The Engineer, for the purpose of making his monthly estimates with accuracy, proportionate to the whole contract price, has divided the whole road into two sections, the northern from Massachusetts' line to New Milford, and the southern from New Milford to Bridgeport, and has apportioned the whole contract price between these two sections, being guided in this apportionment by his original estimates; and by this apportionment, the grading and superstructure complete, from Bridgeport to New Milford, are to cost the Company \$450,000; consequently, the grading and superstructure of the northern division will amount to \$486,000.

When, therefore, the road shall have been completed from Bridgeport to New Milford, and the cost of the right of way and all contingent expenses paid, engines and cars purchased, and the road in actual operation, the Company, without any addition to their present stock, will have at command something more than \$200,000 due from the contractors and stockholders, which will be applicable to that part of the road north of New Milford. The Company are bound by the specific provisions of their charter, after the road shall be put in operation as far north as New Milford, to proceed northerly and construct and put in operation, at least fifteen miles thereof annually, until the whole shall have been completed.

Whether it will be most advisable for the Company to again open their books for subscription to their stock, or resort to a loan for the purpose of raising the necessary amount to complete the road to Massachusetts' line, will be a question worthy their serious consideration. We feel entirely confident of the ability of the Company to procure a loan on favorable terms, of sufficient amount, added to their own means, to complete the northern division of the road. When

they shall have completed and put in operation the southern division, at an expense of nearly \$500,000, and shall be in possession of means, in addition to the amount of more than \$200,000, with which to commence the construction of the northern division, and if we are not grossly deceived in our estimation of the value of this stock on the completion of the road, it will be much to the advantage of the Company to raise, by loan, the necessary amount, rather than again to offer their stock to the public. It is unnecessary, however, to decide this question at present, as the Company is now in possession of all means necessary for their present purposes; and events may hereafter transpire, of such a character as to leave no doubt in the minds of any as to the answer this question ought to receive.

It is probably known to most of the stockholders, and the community generally, that a company was incorporated some two years since, by the Legislature of Massachusetts, called the "Berkshire Rail Road Corporation," with power to construct a rail road from the south line of that State at Sheffield, in the valley of the Housatonic, northerly to the village of West Stockbridge; at which place it will intersect with the "Western Rail Road," leading from Boston to the west line of that State at West Stockbridge, which is now in course of construction; also with the Hudson and Berkshire Rail Road, leading from West Stockbridge to Hudson, now completed and in operation; and also with the Albany and West Stockbridge Rail Road, for the construction of which a company is incorporated and organized.

The Berkshire Rail Road Corporation has been regularly organized, and an arrangement has been entered into between that Company and the Housatonic Rail Road Company, fixing a certain determinate point on the line between Massachusetts and Connecticut, at which said Company have agreed to terminate their respective roads, thus ensuring to this Company, a continued line of communication from

Bridgeport to West Stockbridge, and thence to Boston, Albany, or Hudson.

Allusion was made in a former part of this report, to the fact that the charter of this Company seemed to contemplate not only a rail road for the accommodation of the Housatonic valley, but also the furnishing of a communication between the cities of New York and Albany. This subject has not escaped the attention of the Board of Directors. Some time since, a careful survey was made by the Company's Engineers, from the point of divergence in Brookfield, described in the charter, through Danbury and Ridgefield, to the west line of this State, terminating at a point not far distant from the termination of a survey formerly made, extending from Harlaem to Milltown, near the east line of New York. This route was found to be practicable, and presented no insurmountable obstacles to the construction of a rail road, though the grades were not found to be as favorable, in all cases, as those upon the Housatonic Rail Road. Since that time, many persons who take an interest in this subject, have suggested the idea of constructing a rail road from the termination of the Hartford and New Haven Rail Road, at New Haven, through Bridgeport and the several towns along the shores of Long Island Sound, to Harlaem, there to unite with the Harlaem Rail Road, and thus to furnish facilities, not merely for communication between New York and Albany, during that period in which the Hudson is closed by ice, but also between New York and the whole of New England, as well as the whole northern and western portion of the State of New York, during all seasons of the year. A glance at the map of this portion of the Union, will convince any one of the importance of these communications. The great "Western Rail Road," leading from Boston through the interior of Massachusetts, to its western borders, is now well known to be in a rapid course of construction, aided, as it is, by the liberal patronage of that State. At West Stockbridge this road will connect with the projected

road from Albany to West Stockbridge; with the Hudson and West Stockbridge road, and with the Berkshire, and through that, the Housatonic road. The very early completion of the Hartford and New Haven road to Hartford, is now understood to be placed beyond a doubt; and we believe it is confidently anticipated, that the same road will be continued to Springfield, immediately on its completion to Hartford; thus connecting with the Western Rail Road. Let us then suppose this done; the Western Road in operation to West Stockbridge, and then suppose a road constructed, leading from New Haven through Bridgeport to Harlaem; what a vast extent of territory would thus be furnished with facilities for travelling and transportation, directly to the great commercial metropolis of the Union! And it is worthy of remark, that all this travel and transportation must finally be concentrated upon this contemplated route from New Haven to Harlaem, and thence upon the Harlaem Rail Road. It would seem hardly practicable to devise a better plan of internal communication, for the accommodation, at the same time, of all New England, and all the northern and north-western parts of the State of New York.

Impressed with the importance of this subject, not only in its bearing on the interests of this Company, but also as involving those of a great community, the Directors of this Company have instructed their Engineer to commence the examination and survey of a route for a Rail Road from Bridgeport, extending along the coast in the direction of New York city. This survey was commenced a few days since, and has proceeded as far as Greenwich, within four or five miles of the line of the state of New York. Thus far no serious obstacles have been met with, and, generally, the route proves to be remarkably favorable for the construction of a Rail Road. As soon as this survey is completed, the report of the Engineer will be communicated to the public. Should it be found as favorable a route as its friends anticipate, this Company will hold itself in readiness to take such steps in re-

gard to it, as its own interests, and those of the public involved in the subject, shall seem to require.

We have thus gone through with a succinct history of this project, and of all the operations of the Company and its officers up to the present time, having had regard rather to the order of *time*, than to any other order in the arrangement of the several items of information which we wished to communicate. In so doing, it has been our endeavor to state nothing but plain, simple *matters of fact*, and what we ourselves know to be so. If our communication is extended to such a length as to be tedious, we must find our excuse in our desire to communicate to those whose interests we have in charge, *all* the information in our possession, in regard to a subject in which we *know* they feel a deep interest. With this information before them, they can form their own judgment in regard to the manner in which their affairs have been managed. We propose to add a few suggestions in relation to the resources, which we suppose this road, when completed, will have for its support, and we have done.

In order to appreciate correctly the advantages to the community, which will result from the construction of this road, and to estimate with some degree of accuracy the business which will naturally fall on to it, we should, in the first place, examine its location with regard to navigable waters, and to means for transportation to market. Looking upon the map, we find on the east, at an average distance varying but very little from forty miles, the Connecticut River, one of those natural avenues contrived by the Author of nature to facilitate intercommunication and the interchange of natural and artificial products between different portions of the country. On the west, at a distance averaging between thirty and forty miles, we find the Hudson, whose waters are literally burdened by the incalculable amount of freights borne upon their surface. Midway between these noble rivers, is the Housatonic, stretching far away into the north, affording, not the means of transportation upon its waters, but what is

perhaps equally important to the manufacturing and mechanic arts, water power almost without limit, capable of being applied to the propulsion of machinery, at an expense comparatively trifling. We find a valley extending north from tide water at the city of Bridgeport, with an ascent very gradual, and over a soil of such a character as to render the construction of a rail road extremely cheap and easy. We find in the same valley, mineral wealth exceeding in variety and extent that of the same amount of territory in any part of New England. Indeed, any one looking upon the map, and seeing the location of this valley, as compared with the Hudson and Connecticut rivers, and then being made acquainted with its vast resources in water power and mineral wealth, can hardly resist the conclusion that this was intended by nature as the site of one of those improvements which art has invented for overcoming those obstacles to transportation and intercommunication which exist in a state of nature. Let us next see what is the character of this road in respect to grades and curves. There is to be no grade exceeding 40 feet elevation to the mile, and only one exceeding 36 feet, and but three or four exceeding 30 feet. In going towards tide water, which will be in the way of the greatest heavy transportation, there will be no ascending grade exceeding 26 feet of elevation to the mile. It will not be necessary to make any curve of less than 1,000 feet radius. Consequently this road, in these respects, will bear a favorable comparison with almost any road in the northern states. Another question of still more importance, is next presented, which is, what is to be the cost of this road, and how does it in *this* respect, compare with other roads in this part of the country? We have been furnished with a statement of the cost of several important rail roads in the northern states, which we suppose to be correct, which is as follows :

Cost of the Boston and Worcester road, per mile . . .				\$37,000
"	Boston and Providence,	"		42,000
"	Norwich and Worcester,	"		22,000

Cost of the Western Rail Road,	per mile,....	\$34,500
“ New Jersey,	“	45,000
“ Camden and Amboy,	“	40,000
“ Columbia and Philadelphia,	“	40,600
“ Alleghany and Portage	“	45,000
“ Albany and Schenectady,	“	61,000
“ Utica and Schenectady,	“	19,000
“ Stonington,	“	52,000
“ Hartford and New Haven, about		20,000

These roads are not all completed, but the cost of those which are not, is taken from estimates made by their friends or engineers, and is supposed to be correct. Their *average* cost will be found to be more than \$38,000 per mile. While the whole cost of the grading and superstructure of the Housatonic road will be less than \$13,000 per mile; and adding the right of way, and all contingent expenses, the cost will not exceed \$15,000 per mile. The result, then, is, that less than one-half the amount of nett receipts, required to pay six per cent. profit on the same length of road of the average cost of those named in the above list, would pay the same per centage on the stock of this road.

We might easily make up a statement, showing in dollars and cents an *estimated* amount of receipts for business to be done on this road, which would show a nett profit to the Company of 6, 10, or even 20 per cent on the cost of its construction; but this we do not propose to do, for the reason, that the *public*, as well as ourselves, know *how* easily such statements are made, and how little reliance is generally placed on estimates of that character. We prefer, rather, to state facts, and leave each one who reads to draw his own inferences. We propose, therefore, merely to enumerate briefly, some of the principal items from which we suppose the road will derive its principal revenues.

And first, of the iron. This has, for many years, been one of the most important items in the business of this valley, (notwithstanding the distance from market, and the con-

sequent expense of transportation,) because of the abundance of the ore, and the excellence and high reputation of the material manufactured from it, known under the general name of Salisbury iron. There are, in the valley of the Housatonic, nine blast furnaces for the manufacture of pig iron, the farthest of which is within five miles of the line of this road. There are also two more very near the line of the Berkshire Rail Road, which connects with this in Berkshire County. There are also in Litchfield County, within the same distance, a great number of forges, and at Canaan Falls one very large puddling furnace, which manufacture wrought iron. The Salisbury iron, from this valley, is now exclusively used in the national armories at Harper's Ferry and Springfield, and also in various private armories in different parts of the country. And for axes, crowbars, picks, rail road and carriage axels, and for blacksmiths' use, and for various other purposes, it is preferred to any other iron. Almost the whole of the iron made in this valley, is now transported to navigable waters at an expense of from five to seven dollars per ton. The whole transportation connected with, and growing out of the iron trade of the valley, is estimated, by those intimately acquainted with the business, at 20,000 tons annually, and we believe that this estimate is none too high. This rail road can afford to do all this transportation at half the present prices, and still realize a fair profit on the business. Several of the furnaces, on and near the Housatonic, now transport their ore a distance of ten or fifteen miles, at an expense varying from \$1 50 to \$2 75 per ton. Ore can be delivered to these furnaces by the rail road, from inexhaustible beds in Berkshire county, at much less prices, and consequently, we suppose that large quantities will be transported on the rail road. Each furnace requires from 1500 to 3000 tons annually. Mineral coal is now used to some extent in the establishments for the manufacture of wrought iron. Its transportation costs about six dollars per ton, when it can be delivered

by the rail road at \$3 per ton. There is every reason to suppose that it will be transported in very great quantities, for the use not only of the iron manufacturers, but for heating rooms and various other purposes. We have no doubt that such will be the result.

Marble, of a quality perhaps unsurpassed in the country, and in quantity wholly inexhaustible, exists on almost the whole line of this road, in the county of Litchfield, in Connecticut, and Berkshire, in Massachusetts. Great quantities of marble are now being transported from Berkshire county, by land, to the Hudson River, and thence to Philadelphia, to be used in the construction of the Girard College. The contracts for marble from that quarry, for that single edifice, are said to amount to more than \$300,000. The marble of the City Hall, New York, is from the same range. Its use in those two cases, is supposed to be sufficient evidence of its quality. The same range extends down the valley of the Housatonic, through the county of Litchfield, and in the immediate vicinity of the line of this road. It is now quarried and sawed, to considerable extent, at several points in Litchfield county, and transported, in waggons, to great distances, for tombstones and for ornamental purposes; while the expense of transportation prevents its being carried to market in blocks, or for purposes of building; we know of no other reason to prevent the quarrying and carrying to market of this article, to almost any extent.

Granite, in massive blocks, unlimited in quantity, and of a quality to compare, in color and texture, with the best eastern granite, is to be found in New Milford, within fifty rods of the line of this road. This, when the rail road is completed, can be delivered at New York, or any of the Atlantic cities south of it, and sold at a profit, at prices much less than those at which the eastern granite is now sold.

The well known stratified granite of Mine Hill, (within a short distance from this road, and to which a branch can be easily extended,) is already distinguished, in consequence of

its singular formation, and its excellence as a fire stone. This latter quality is so extraordinary, that it has been almost exclusively used for hearths and jambs in the town where it is found, and those adjoining, for a great number of years. These stone lie in layers nearly parallel to the horizon, the layers varying in thickness from two inches to five or six feet; each separate layer, however, being of uniform thickness, so that stone of any size, shape, or thickness, from the thinnest flagging to the most massive block or column, can here be obtained. The expense of quarrying is trifling, in consequence of the horizontal position of the strata, and the perpendicular fracture with which they-always split. This range of stone covers an area of 2,000 acres—the supply is therefore inexhaustible. We suppose that these stone, for fortifications and public works; for platforms, blocks, and columns; for flagging and curbstone; indeed, for almost any purpose for which flat or hewn, hammered, or cut stone, can be required, can, upon the completion of this road, be delivered in the markets at rates much cheaper than any species of stone now in use; and that, consequently, there is no practicable limit to the business that may be done in this article alone.

The *lime* of this region, under the general name of Canaan lime, has long borne the highest reputation for purity and strength. Masons, and all persons in the habit of using this article, concur in saying, that the lime of this range, which is found on the line of this road, through almost the whole county of Litchfield, will bear at least twice as much sand to the bushel of lime, as the common lime used in New York and the southern markets. As an evidence of its quality, the fact may be mentioned, that great quantities of it are annually transported to Hartford, a distance of forty miles, in waggons; and that, at the prices it must necessarily bear, it is still sold in preference to any other. We have no doubt that, with this rail road built, this article would compete successfully with any lime now offered in the market; and that,

consequently, great quantities of it would annually pass over the road.

A very singular and valuable deposit of porcelain clay exists in New Milford, near the line of this road. This clay is highly valuable for the manufacture of all those articles which are to be exposed to intense heat; such as fire brick, portable furnaces, stove linings, crucibles, &c.; and, for these purposes, is found to be of the very best quality. All these articles are now manufactured at New Milford, to considerable extent, and transported to market, where it is found that, in consequence of their excellent quality, they can now compete successfully with the imported articles. The effect of a rail road communication, which would reduce one half the cost of transportation on this manufacture, will be readily appreciated.

The *water power* of this valley is an item of the first importance in connection with this subject. From the head of Canaan Falls to New Milford, a distance of about thirty-three miles, the Housatonic River falls 460 feet; almost every foot of which fall can be improved at a very moderate expense. At two several points, more than 100 feet of fall can be accumulated within a distance of half a mile. It is computed by those well acquainted with both rivers, that the volume of water in the Housatonic at Canaan Falls, is fully equal to, and the fall considerably greater, than that of the Passaic, at Patterson. The water in the Housatonic is considerably increased between Canaan Falls and New Milford, by tributary streams. It has been well ascertained that these powers may be purchased and improved, and water power rented at less than half the prices at which equal powers are now held at Patterson and Lowell, and still an immense profit made by the operation. It will be recollected that this Company has the authority to purchase, improve, and rent these powers, if they see fit to avail themselves of that privilege. No reason can be assigned for the fact that this water power has not long since been improved, and ap-

plied to manufacturing purposes, except the discouragement to manufacturers to locate any establishment at so great a distance from market, without facilities for transportation. When such facilities are furnished by this road, can any one doubt that the improvement of the water power, and consequently, a vast increase of the trade, travel, and transportation through the valley, will necessarily follow?

But, in addition to all this, it should be borne in mind, that the region through which this road is to pass, contains an *agricultural*, as well as mechanical and manufacturing community; and that, after going up from Bridgeport a distance of perhaps fifteen or twenty miles, we find a section of country of *at least* ten miles in width, on each side of this road, extending through its whole length, which must of necessity throw its whole transportation to and from market, of every description, on to this road;—we say *of necessity*, because we know that any articles going to market, situated within ten miles of this road, can be brought on to it, and thus delivered in the market, *cheaper* than by any other mode; and we know further, that all articles of trade, seeking a market, do, (in consequence of the competition which always exists in this country,) *of necessity*, follow those avenues which are the cheapest; and hence, all the transportation to and from this section, of ten miles in width, on each side of this road, we suppose will as naturally fall on to it, and pass over it, as they would pass up or down the Housatonic River, if that were navigable, like the Hudson and Connecticut; and the territory which will thus become tributary to the road, is not entirely confined to this state, because the trade and business of an important section of Berkshire County, will also naturally seek an outlet in this direction.

Let us mention the single article of *plaster*. It is well known that (with the exception of a short distance in the immediate vicinity of tide water) the farmers, through this

whole region, use from one to five tons each of plaster annually, and that its transportation now cost them from four to seven dollars per ton, varying with the distance: these prices can be reduced fully one-half, and probably more, by the rail road. Such a reduction in price will naturally increase the quantity used: what an amount then will be paid to the Company annually for transporting this article alone! It is not *plaster* alone, however, but every article which an agricultural, mechanical, and manufacturing community, require *from* market, or send *to* market, which will be transported over this road. Let any one then undertake to estimate the amount of this transportation, and he will surprise himself with the result of his calculations.

In addition to all these items, we must also take into the account, the receipts for the transportation of passengers. This is a more difficult item to estimate than either of the others. We can surely rely, at all seasons of the year, not only upon all the *way* travel, to wit, that of persons passing up or down the valley from one point to another; but also upon all the travel of persons going to and from any portion of the valley, including a considerable portion of Berkshire County, to New York, or the South, or indeed to almost any part of the country, from the well known fact, that since the modern improvements in travelling facilities, the traveller, going in any direction, (almost as a matter of course,) seeks the nearest navigable water or rail road. Added to this, all the communication from a very important section of the New England States, will, in the winter season, by means of the Western Rail Road, naturally fall upon this road, and pass over its whole length, towards New York, or indeed any section of the country south of Bridgeport. All this travel we suppose, beyond a doubt, will fall upon this road, independent of any travel from Albany to New York.

Such, then, are some of the more important of the sources from which we suppose this road will derive its revenues;

and we can freely say, that we have the utmost confidence that these revenues will be abundant to pay a very liberal profit on the investment, immediately on the completion of the work. What will be added to this amount, after the effects consequent upon the opening of such a communication shall have been produced, in increasing the business and population of the valley, we leave to each one to conjecture. We look upon this as being *literally* a project for *internal improvement*, the object for which is to afford facilities for transportation and travel, to the interesting section of the country through which it is to pass, and which has been so long (as it were) shut out from the enjoyment of its natural advantages, by the want of some facilities of this description. As such an improvement, this road was originally projected; as such, it has been thus far prosecuted; and as such, we fully believe it will be continued to its full completion, independent of any ulterior considerations. If indeed this should in the event prove to be the avenue through which the winter travel from Albany and the West shall pass to New York and the South, as many of its friends have believed it would, this circumstance would unquestionably add somewhat to the value of the stock of this Company, (though we are aware that the mere transportation of passengers by rail road, during the most severe weather of winter, in this northern climate, is not as profitable as many have supposed.) Still, no one engaged in this work, has ever dreamed that the prosecution or completion of it was in any manner dependent upon the course which New York and Albany travel would ultimately take. The stockholders of this Company reside, almost without exception, on the line of the road: they are composed of the active business men of the City of Bridgeport, and of the farmers, manufacturers, and business men of the country; and they have embarked their means in this project, not with any speculative intentions, but for the purpose of opening a communication

between the city and the country, from which they expect to derive mutual benefits. This object, it is believed, they will steadily pursue, until they shall have the satisfaction of seeing it fully accomplished.

By order of the Board of Directors.

WILLIAM P. BURRALL, *President.*

Bridgeport, 31st October, 1838.

ENGINEER'S REPORT.

ENGINEER'S OFFICE, BRIDGEPORT, }
October 1st, 1838. }

*To the President and Directors of the Housatonic Rail
Road Company:*

GENTLEMEN,—I have the honor to submit the following brief statement of the progress of the work on the Housatonic Rail Road, from its commencement to the present time.

On the 20th of May, 1837, the survey and location of the line was commenced about three miles north of Bridgeport.

Since that time several routes have been carefully surveyed from Bridgeport to the south line of the state of Massachusetts. On the route selected, the centre line from Bridgeport to New Milford, is now permanently fixed, and divided into 35 sections, of one mile each; the whole of which, except the superstructure of the road and bridges, has been re-let by Bishop & Sykes, the original contractors, to the different persons or companies, who have now employed a force equal to about 300 men, to which they are constantly making additions.

On the 20th of July, just two months from the commencement of the location, the grading was commenced on section No. 13, and is now in progress on seventeen sections. No. 12 will be completed during this month. No. 14 is now ready to receive the superstructure, and Nos. 15 and 17 will be completed, or nearly so, next month. Several other sections are in a very forward state.

Thirty-three culverts, varying in size from one to four feet, are completed. Two of 10 feet span are now being

constructed, and one of 16 feet, and 166 feet in length, is nearly finished.

The culverts are all constructed in a permanent and substantial manner, and, I think, will bear comparison with such work on any other road. The contractors are generally doing the light work on their sections, reserving the deep cutting and rock, for winter. By this means they will be enabled to employ a large force during the winter, and generally, to finish their grading in the early part of next summer.

Should nothing occur to retard the progress of the work from this time forward, I feel no hesitation in saying, that the road may be put in successful operation from Bridgeport to New Milford, during the next year.

In April last, by request of the Commissioners of the Berkshire Rail Road Company, I made an examination of a route for their road in Massachusetts. The country was found to be extremely favorable for its construction. This road will unite with the Housatonic on the south, and with the Hudson, Albany, and Boston roads, on the north, near West Stockbridge. This will make a continuous line of rail road from Bridgeport to each of those cities.

I am, very respectfully, your obedient servant,

R. B. MASON, *Chief Engineer.*

APPENDIX No. 2.

Report of the Engineer of the Berkshire Rail Road Company to the Directors.

BRIDGEPORT, June 4, 1838.

*To the Directors of the Berkshire
Rail Road Company :*

GENTLEMEN :—

In compliance with your invitation, I have made a careful examination of the route of the Berkshire Rail Road, at the North line of the State of Connecticut to the village of West Stockbridge, and have the honor to submit the following report and estimate thereon.

A map of the country explored, on which the several routes are designated, together with a profile of each, upon which an estimate of the probable cost is based, are also herewith presented.

During the field operations, which were conducted by myself, assisted by B. B. Provoost and party, various lines were surveyed, amounting in all to near forty miles in distance.

From the State line, two routes were examined, the one crossing the Housatonic River, near the Albany and Hartford Turnpike, and the other near Long Neck Bridge. The route however, crossing near the Albany and Hartford Turnpike has advantages, which will no doubt lead to its adoption, being more direct, shorter and less expensive than the other. Two lines were also run, diverging from each other near Sheffield village, and uniting again about two miles north. The difference in the expense of these, as will be seen by re-

ference to the estimate, is only about forty dollars to prepare the road for the superstructure. The west line, however, being several chains the shortest, would make a saving in the superstructure, and consequently make that line when completed, the least expensive. The estimate through the town of Sheffield is only made on the route crossing the Housatonic River, near the Albany and Hartford Turnpike, until we arrive near the village of Sheffield, from whence commences the two routes designated as the East and West route.

The high flat on each side of the Housatonic River, north of Ashley's Mills, makes it necessary to avoid heavy cutting, to elevate one road about 20 feet above the river, thereby adding considerable to the expense of the bridge in the height of the walls. The same remark will also apply to both crossing places, near the village of Great Barrington, in case the Eastern route is adopted, for notwithstanding we cross in one place $24\frac{1}{2}$ and the other $26\frac{1}{2}$ feet above the river, we still have deep cutting on each side.

The entire distance through the town of Great Barrington, two, and, in some cases, three routes have been run, passing on each side of the villages of Great Barrington and Vandersenville, and uniting in the Williams River Valley, thence pursuing that valley to West Stockbridge.

I have estimated the bridges over the Housatonic, with stone abutments and piers of the most permanent kind, and a somewhat expensive superstructure, believing however, that sound policy would justify building such bridges as would cost every dollar I have estimated, at the lower crossing place. I have calculated to bridge over a space of 600 feet, and at the crossings near Great Barrington village of 300 feet each, the latter is more space than the river now has in time of high water; and the former, although not quite as much, is believed to be abundantly sufficient.

The two bridges in Great Barrington may, however, be dispensed with, by taking the West route, passing west of the

village, and at such a great saving of expense as will probably induce you to select that route; for you not only save the first expense of building the bridges, but the expense of maintaining them hereafter; and the policy of dispensing with such heavy structures, composed of so much perishable material, cannot well be doubted, particularly when you also save expense.

There will be on the West route in the village of Great Barrington, two curves of a less radius than any other between the State line and that point; not less, however, than 1000 feet radius, and not less than will be required in the Williams River Valley, and may be located on a level grade.

On the line east of the village, I have fixed the highest grade at 36 feet per mile, and on the west side I have adopted 40 feet, it being on a perfectly straight line, and may be overcome with less power than the 36 feet grade, in the Williams River Valley, on the curves that will be necessary to make them. The difference in expense of making it 36 or 40 feet grade would be about \$1,000. I do not, however, see any special objection to a 40 feet grade in that situation. The difference in favor of the West route, through Great Barrington up to the termination of the 12th mile, would be nearly \$15,000, and from the termination of the 12th mile to the line of West Stockbridge, the difference would be about \$900 in favor of the East route. I think, however, by a little variation of the West route near the line of West Stockbridge, so as to bring it on to the ground occupied by the East route, a very considerable saving would be made so as to make the cost of each very nearly equal. Near the West Stockbridge line, the East and West routes unite, and from thence pass up on the east side of Williams River to West Stockbridge.

The only point of solid rock cutting, of any amount on the whole line, occurs at the head of Williams River falls, and the deepest cut there is only about 6 feet, and that only for a short distance. About one mile south of West Stockbridge village, we leave the Williams River Valley, and pass off a

little east, through a natural opening in the ridge, and terminate our survey on the ground selected for the depot of the Hudson and West Stockbridge Road. The character of the route in respect to its inclination, may be seen in the following table of grades, as they occur in passing from the State line north.

Table of Grades on the East Route.

From No.	To No.	Distance in miles & chains.	Ascent per mile in feet.	Descent per mile in feet.
1	12	0 48		20
12	13	0 04	level	At Ashley's Mills.
13	17	0 16	20	
17	18	0 04	level	
18	32	0 56		26
32	33	0 04		16 Housatonic River.
33	36	0 12	level	
36	48	0 48	20	
48	57	0 36	level	
57	62	0 20	4	
62	71	0 36	level	
71	76	0 20	20	
76	78	0 08	level	
78	96	0 72		20 Opposite Sheffield village.
96	97	0 04	level	
97	107	0 40	20	
107	118	0 44	level	
118	125	0 28		20
125	140	0 60	level	
140	205	3 20	4	
205	212	0 28	36	Opposite Great Barrington.
212	215	0 12	level	
215	223	0 32	36	
223	226	0 12	level	
226	234	0 32	30	

From No.	To No.	Distance in miles & chains.	Ascent per mile in feet.	Descent per mile in feet.
234	244	0 40	15	
244	261	0 68	level	In Van Dusen ville.
261	262	0 04	4	
262	268	0 24	24	
268	281	0 52	30	
281	292	0 44	12	
292	293	0 04	24	
293	343	2 40	36	
343	354	0 44	24	
354	362	0 32	level	
362	372	0 40	30	
372	382	0 40	level	
382	383	0 04	18	
383	407	1 16	26	
407	416	0 36	level	In West Stock- bridge village.
		20 64		

From the examination of the foregoing Table it will be seen that in the whole length of the line we have

Miles.	Chains.	Ascent per mile, in feet.	Descent per mile, in feet.
5	8	level grade	
3	44	4	
0	44	12	
0	40	15	
0	04	18	
1	44	20	
0	72	24	
1	16	26	
1	44	30	
3	20	36	
0	56		26
1	68		20
0	04		16
20	64		

TABLE

Of Grades on the West Route.

From No.	To No.	Distance in miles & chains.	Ascent in feet per mile.	Descent in feet per mile.	
1	78	The same as on the East route.			
78	93	0 60	20		
93	99	0 24	Level		
99	102	0 12	20		
102	103	0 04	Level	Recapitulation of grades on the	
103	110	0 28	26	West route :	
110	111	0 04	18	5 miles 32 chains level grade	
111	118	0 28	Level	2	" 20 ascend 4 ft. per mile
118	125	0 28	20	0	" 04 " 10 " " "
125	140	0 60	Level	0	" 60 " 12 " " "
140	180	2 00	4	0	" 08 " 14 " " "
180	181	0 04	10	1	" 08 " 20 " " "
181	182	0 04	30	0	" 44 " 24 " " "
182	206	1 16	40	2	" 04 " 26 " " "
206	209	0 12	Level	1	" 44 " 30 " " "
209	215	0 24	20	2	" 36 " 36 " " "
215	223	0 32	Level	1	" 16 " 40 " " "
223	233	0 40	30	0	" 56 descend 26 " " "
233	242	0 36	Level	2	" 48 " 20 " " "
242	252	0 40	12	0	" 04 " 16 " " "
252	253	0 04	Level	There is so little actual	
253	262	0 36	20	variation in distance,	
262	267	0 20	12	taking both lines all	
267	277	0 40	26	the way through,	
277	287	0 40	30	that I have not	
287	293	0 24	Level	deemed it worthy	
293	294	0 04	20	of notice in fixing	
294	343	2 36	36	the grades.	
294	to the termination. The same as on the East route.				

The following estimate of the probable cost of the road is based upon a width of grading of 16 feet. Embankments 14 feet wide on top, with slopes, both in excavation and embankment, of $1\frac{1}{2}$ feet horizontal to 1 foot vertical rise. The masonry, except in cases of small drains, to be laid in lime and sand, and to be of the most permanent kind.

East Route through Sheffield.

1st mile.	11,385 cubic yards excavation, at 11 cts.	\$1,252 35	
	6,892 cubic yards embankment, at 11 cts.	758 12	
	Bridge over Kunkupot creek ..	1,510 00	
	Road and farm crossings ..	40 00	
	Grubbing	20 00	
			\$ 3,580 47
2d mile.	21,694 cubic yards excavation, at 11 cts.	\$2,386 34	
	19,488 cubic yards embankment, at 15 cts.	2,923 20	
	Bridge over Housatonic river	13,000 00	
	Slope wall to protect embankment at river	1,200 00	
	Culverts and drains	400 00	
	Road and farm crossings ..	50 00	
	Grubbing	25 00	
			19,984 54
3d mile.	2,966 cubic yards excavation, at 11 cts.	\$326 26	
	4,890 cubic yards embankment, at 15 cts.	733 50	
	Amounts carried over	\$1,059 76	\$23,565 01

	Amounts brought over	\$1,059 76	\$23,565 01
	Culverts and drains	120 00	
	Road and farm crossings ..	50 00	
	Grubbing	100 00	
		<hr/>	1,329 76
4th	6,771 cubic yards excava-		
mile.	tion, at 11 cts.	\$744 81	
	1,993 cubic yards embank-		
	ment, at 12 cts.	239 16	
	Culverts and drains	200 00	
	Road and farm crossings ..	50 00	
	Grubbing	25 00	
		<hr/>	1,258 97
5th	6,248 cubic yards excava-		
mile.	tion, at 11 cts.	\$ 687 28	
	13,334 cubic yards embank-		
	ment, at 14 cts.	1,866 76	
	Bridge over Chenoss creek	1,750 00	
	Bridge over Mill creek ...	1,750 00	
	Moving barn and protecting		
	embankments	500 00	
	Road and farm crossings ..	50 00	
	Grubbing	20 00	
		<hr/>	6,624 04
6th	9,018 cubic yards excava-		
mile.	tion, at 12 cts.	\$1,082 16	
	5,104 cubic yards embank-		
	ment, at 12 cts.	612 48	
	Culverts	150 00	
	Road and farm crossings ..	50 00	
	Grubbing	20 00	
		<hr/>	1,914 64
7th	998 cubic yards excavation,		
mile.	at 12 cts.	\$ 119 76	
		<hr/>	
	Amounts carried forward	\$119 76	\$34,692 42

Amounts brought forward	\$119 76	\$34,692 42
18,808 cubic yards embankment, at 20 cts.	3,761 60	
Culverts and drains	600 00	
Protecting embankments ..	300 00	
Farm crossings	40 00	
Grubbing	50 00	
		<hr/> 4,871 36
8th mile & eleven chains to town line.	8,060 cubic yards excavation, at 11 cts.	\$ 886 60
	12,644 cubic yards embankment at 16 cts.	2,023 04
	Culverts	600 00
	Protecting embankments ..	300 00
	Farm crossings	40 00
	Grubbing	40 00
		<hr/> 3,889 64
Cost of grading and bridging through Sheffield		\$43,453 42
Eight miles and eleven chains superstructure, at \$5,000		<hr/> 40,687 50
Whole cost of grading and superstructure		\$84,140 92
Cost per mile about	\$10,340	

East Route through Great Barrington.

Balance of ninth mile being 69 chains.	22,410 cubic yards embankment at 20 cts.	\$4,482 00
	Bridge over Green River, also two other points, including slope walls, &c.	3,550 00
	Amount carried over....	<hr/> \$8,032 00

	Amount brought over....	\$8,032 00	
	Protecting embankments..	500 00	
	Farm crossings.....	50 00	
	Grubbing.....	20 00	
		<hr/>	\$8,602 00
10th	34,410 cubic yards excava-		
mile.	tion at 11 cts.....	\$3,785 10	
	16,444 cubic yards embank-		
	ment at 13 cts.....	2,137 72	
	1,000 cubic yds. rock at \$1	1,000 00	
	Culverts.....	250 00	
	Protecting embankments...	300 00	
	Road and farm crossings...	50 00	
	Grubbing.....	30 00	
		<hr/>	\$7,552 82
11th	30,366 cubic yards excava-		
mile.	tion at 13 cts.....	\$3,947 58	
	19,862 cubic yards embank-		
	ment at 12 cts.....	2,383 44	
	Bridge over Housatonic riv-		
	er, and culvert.....	8,400 00	
	Detached rock and walling	750 00	
	Road and farm crossings...	50 00	
	Grubbing.....	30 00	
		<hr/>	\$15,561 02
12th	53,135 cubic yards excava-		
mile.	tion at 13 cts.....	\$6,907 55	
	22,704 cubic yards embank-		
	ment at 12 cts.....	2,724 48	
	Bridge over Housatonic river	7,600 00	
	Road and farm crossings...	50 00	
		<hr/>	\$17,282 03
13th	700 cubic yards excavation		
mile.	at 12 cts.....	84 00	
	8864 cubic yards embank-		
	ment at 16 cts.....	1,418 24	
		<hr/>	
	Amounts carried forward....	\$1,502 24	\$48,997 87

Amounts brought forward..	\$1,502 24	\$48,997 87
Bridge over Williams river and small culverts.....	2,350 00	
Moving buildings.....	600 00	
Road and farm crossings...	50 00	
	<hr/>	\$4,502 24
14th mile. 6,841 cubic yards excavation at 12 cts.....	\$820 92	
7,850 cubic yards embank- ment at 14 cts.....	1,099 00	
Culverts and drains.....	300 00	
Road and farm crossings...	40 00	
Grubbing.....	100 00	
	<hr/>	\$2,359 92
15th mile, 5,101 cubic yards excava- tion at 12 cts.....	\$612 12	
and 26½ chains 17,890 cubic yards embank- ment at 16 cts.....	2,862 40	
of the 300 cubic yards rocks at 75 16th to cts.....	225 00	
West Culvert.....	200 00	
Stock- Road and farm crossings.	50 00	
bridge Grubbing	100 00	
line.	<hr/>	\$4,049 52
Cost of grading and bridging through Great Barrington.....	\$59,909 55	
7 miles 15½ chains of superstructure, \$5,000...	35,968 75	
	<hr/>	
Whole cost.....	\$95,878 30	
Cost per mile.....	\$13,328 00	
<i>West Stockbridge.</i>		
Balance 2,376 cubic yards excava- of 16th tion at 12 cts.....	\$285 12	
mile, be- 8,180 cubic yards embank- ing 53½ ments at 16 cts.....	1,308 80	
chains.	<hr/>	
Amount carried over....	\$1,593 92	

	Amount brought over....	\$1,593 92	
	Culverts.....	200 00	
	Road and farm crossings...	50 00	
	Grubbing.....	75 00	
		<hr/>	\$1,918 92
17th	6,860 cubic yards excava-		
mile.	tion at 12 cts.....	823 20	
	20,308 cubic yards embank-		
	ment at 16 cts.....	3,429 28	
	2,000 cubic yds. rock at \$1.	2,000 00	
	Culverts.....	250 00	
	Road and farm crossings...	50 00	
	Grubbing.....	300 00	
		<hr/>	\$6,672 48
18th	12,632 cubic yards excava-		
mile.	tion at 12 cts.....	1,515 84	
	11,122 cubic yards embank-		
	ment at 12 cts.....	1,334 64	
	300 cubic yards rock at \$1..	300 00	
	1 road bridge.....	500 00	
	Culverts.....	250 00	
	Road and farm crossings...	50 00	
	Grubbing.....	30 00	
		<hr/>	\$3,980 48
19th	5,642 cubic yards excava-		
mile.	tion at 12 cts.....	677 04	
	11,656 cubic yards embank-		
	ment at 15 cts.....	1,748 40	
	200 cubic yards rock at \$1.	200 00	
	Culverts.....	200 00	
	Road and farm crossings..	40 00	
	Grubbing.....	50 00	
		<hr/>	\$2,915 44
20th	4,476 cubic yards excava-		
mile.	tion at 12 cts.....	537 12	
		<hr/>	
	Amounts carried forward	\$537 12	\$15,487 32

Amounts brought forward	\$537 12	\$15,487 32
14,335 cubic yards embankment at 16 cts.....	2,293 60	
Culverts	200 00	
Road and farm crossings...	40 00	
Grubbing	200 00	
		<hr/> \$3,270 72
21st 14,936 cubic yards excavation at 12 cts.....	\$1,792 32	
being 7,438 cubic yards embankment at 12 cts.....	892 56	
66 Culverts	400 00	
chains long. Moving buildings.....	400 00	
Road and farm crossings...	100 00	
		<hr/> \$3,584 88
Cost of grading, &c. to West Stockbridge village	\$22,342 92	
5 miles, 39½ chains of superstructure, \$5,000...	27,468 75	
		<hr/> Whole cost..... \$49,811 67
Cost per mile.....	9,066 97	

Recapitulation East Route.

Cost through Sheffield.....	\$84,140 92
“ “ Great Barrington.....	95,878 30
“ “ or to West Stockbridge village...	49,811 67
	<hr/> Whole cost.....\$229,830 89
Average per mile on the whole distance, about.....	\$11,036 30

West Route through Sheffield.

1st mile. The same as on the East route.....	\$ 3,580 47
Amount carried over	<hr/> \$3,580 47

Amount brought over.....	\$ 3,580 47	
2d mile. The same as on the East route.....		19,984 54
3d mile. The same as on the East route.....		1,329 76
4th mile. The same as on the East route.....		1,258 97
5th mile. 13,603 cubic yards excava- tion at 11 cts.....	\$1,496 33	
10,325 cubic yards embank- ment at 12 cts.....	1,239 00	
Bridge over Chenoss brook	1,750 00	
1 road bridge.....	500 00	
Protecting embankments ..	150 00	
Road and farm crossings ..	50 00	
Grubbing	20 00	
		5,205 33
6th mile. 3,080 cubic yards excava- tion at 12 cents	\$ 369 60	
9,253 cubic yards embank- ment at 14 cts.....	1,295 42	
Bridge over Mill creek	1,750 00	
Road and farm crossings ..	50 00	
Grubbing	20 00	
		3,485 02
7th mile. 800 cubic yards excavation at 12 cts.	\$ 96 00	
19,136 cubic yards embank- ment at 20 cts.	3,827 20	
Culverts and drains	600 00	
Protecting embankments ..	300 00	
Road and farm crossings ..	40 00	
Grubbing	50 00	
		4,913 20
Amount carried forward.....	\$39,757 29	

Amount brought forward	\$39,757 29
8th mile 8,060 cubic yards excava- and 4 tion at 11 cts.....	\$ 886 60
chains. 11,684 cubic yards embank- ment at 16 cts.....	1,869 44
Culverts	600 00
Protecting embankments ..	300 00
Farm crossings	40 00
Grubbing	40 00
	<hr/> 3,736 04
Cost of grading and bridging through Sheffield	\$43,493 33
8 miles 4 chains of superstructure, \$5,000 per mile.....	40,250 00
	<hr/> \$83,743 33
Cost per mile, \$10,402 90.	

West Route through Great Barrington.

Balance of 9th mile being 76 chains, the same as on East route in proportion to the distance	\$ 9,474 66
10th 4,358 cubic yards excava- mile. tion at 11 cts.....	\$ 479 38
60,408 cubic yards embank- ment at 20 cts.....	12,081 60
Culverts	300 00
Protecting embankments ..	300 00
Road and farm crossings ..	75 00
Grubbing	30 00
	<hr/> 13,265 98
11th 12,591 cubic yards excava- mile. tion at 13 cts.	\$1,636 83
Amounts carried over	<hr/> \$1,636 83
	\$22,740 64

	Amounts brought over	\$1,636 83	\$22,740 64
	5,657 cubic yards embankment at 12 cts.	678 84	
	Culverts	600 00	
	500 cubic yards rock at \$1 ..	500 00	
	Road and farm crossings ..	50 00	
	Grubbing	20 00	
		<hr/>	3,485 67
12th	35,432 cubic yards excavation at 13 cts.	\$4,606 16	
mile.	5,485 cubic yards embankment at 12 cts.	656 20	
	500 cubic yards rock at \$1 ..	500 00	
	Moving buildings	500 00	
	Culverts	400 00	
	Grubbing	50 00	
		<hr/>	6,714 36
13th	3,101 cubic yards excavation at 12 cts.	\$ 372 12	
mile.	8,650 cubic yards embankment at 16 cts.	1,384 00	
	Culverts	600 00	
	Farm crossings	30 00	
	Grubbing	100 00	
		<hr/>	2,486 12
14th	5,134 cubic yards excavation at 11 cts.	\$ 564 74	
mile.	11,593 cubic yards embankment at 14 cts.	1,623 02	
	Bridge over Williams' river ..	2,100 00	
	Road and farm crossings ..	50 00	
	Grubbing	20 00	
		<hr/>	4,357 76
	Amount carried forward		\$39,784 55

Amount brought forward	\$39,784 55
15th 3,510 cubic yards excavation at 12 cts.	\$ 421 20
and 25 25,536 cubic yards embankment at 16 cts.	4,085 76
Culverts, road and farm crossings	450 00
	<hr/> 4,956 96
	<hr/> \$44,741 51
7 miles 21 chains of superstructure at \$5,000	36,312 50
	<hr/> \$81,054 01
Cost per mile about \$11,160 80.	

West Stockbridge.

Both routes the same through West Stockbridge \$49,811 67
 Cost per mile \$9,066 97.

Recapitulation of West Route.

Cost through Sheffield	\$83,743 33
" " Great Barrington ..	81,054 01
" " West Stockbridge ..	49,811 67
	<hr/> \$214,609 01

Cost per mile on the whole distance, which is about the same on each route, about \$10,305 36.

Towns.	East Route.	West Route.	Difference in favor of West Route.
Sheffield	\$84,140 92	\$83,743 33	\$ 397 59
Great Barrington	95,878 30	81,054 01	14,824 29
West Stockbridge	49,811 67	49,811 67	0 00
			<hr/> \$15,221 88
	8		

Sum total of East route	\$229,830 89
For right of way, say 166 acres of land at \$40	6,640 00
Engineering and superintendence, say.....	15,000 00

Whole cost, including right of way, engineering, &c.....	\$251,470 89
Cost per mile about \$12,075 20.	

Sum total of West route.....	\$214,609 01
For right of way	6,640 00
Engineering, superintendence, &c.....	15,000 00

Whole cost, including right of way, engineering, &c.....	\$236,249 01
Cost per mile about \$11,344 80.	

It will be perceived that I have put the superstructure at \$5,000 per mile. I intend that to include the necessary turn-outs, or say five in the whole distance, of 1,000 feet each, making about 1 mile extra distance for the superstructure. This sum will enable you to put down a heavy superstructure, similar to the one now being put down on the Hudson and West Stockbridge road, except it would enable you to use the southern pine rail instead of the chesnut rail. Experience, however, may prove that we have timber in this section of the country that will be as economical to use as the southern pine. It probably will not last as long, but is less expensive. The cost of the superstructure would therefore be considerably reduced by using timber procured in the vicinity of the road for the top rail instead of the southern pine.

I would observe, also, in crossing the Housatonic River, particularly at the lower crossing place, a great saving might be made in the first cross of the bridge, by placing it on piles instead of stone abutments and piers. I think, however, it would be advisable, at any rate, to have stone abutments on

each side, and the points between them might be supported on piles. Some of the smaller streams might also be crossed in the same way.

The preceding estimates are made on what I conceive to be the most prominent routes: they do not, however, either of them, cover the ground particularly specified in the charter, from Van Dusenille north for about three miles. I, however, examined a route which, for the sake of distinction, I shall call the Housatonicville route, diverging from the East route about one mile north of Van Dusenille, thence running near the Village of Housatonicville, and passing through a depression in the dividing ridge between the Housatonic and Williams River Valleys, by a cut of 36 feet at the deepest point, and averaging 25 feet for about 30 chains. After passing this heavy cut we enter Williams River Valley, and unite with the other line a little south of Williams River Falls. To avoid as much as possible of this deep cut, I adopted a 40-foot grade for nearly two miles, commencing on the flat between Housatonicville and Van Dusenille. Admitting the excavation to be equally favorable on both routes, the Housatonicville route would exceed the cost of the others about \$15,000. There is, however, hardly room to doubt but what a considerable portion of that deep cut would be rock, which would probably increase the expense to \$25,000 or \$30,000, over and above the other routes. The grade would be 4 feet more per mile, and would necessarily be located on curves not as favorable as on the other route. As the cost of this route will so much exceed the others, I have not deemed a more particular notice necessary.

The two routes designated as the East and West routes, in point of expense of grades and curves, is hardly equalled by any rail road in the United States. There are those that will bear a favorable comparison as to grades and curves, but none, within my knowledge, where a permanent road, such as I have estimated for, has been built for less than al-

most twice the sum yours will cost per mile. The consequence is, that the same amount of business on your road will yield to the stockholders a much larger per cent. than on almost any other. The great importance of your road, forming, as it does, the connecting link, (and the only one, except the Albany and West Stockbridge Road, not in course of construction,) between Bridgeport, or, I may say, the City of New York and Lake Erie, cannot, for a moment, be called in question. It must be the great thoroughfare for winter travel, and the transportation of the mail between New York, Albany, and the Western Country, for three or four months in a year.

I feel no hesitation in asserting that the transportation of passengers alone will pay all expenses of repair on your road and 6 per cent. on its cost, as soon as the entire route is opened from Bridgeport to Albany; and if we take former experience for our guide, and admit it to pay 6 per cent. when first opened, we may safely calculate it will be doubled in a short time. Connecting at West Stockbridge with the Hudson, Albany and Western roads, a larger amount of business in the passenger line at any rate, will concentrate at West Stockbridge during the suspension of navigation on the Hudson, and pass over your road. In fact your road will be to those living on the North River, as far south as Hudson at any rate, in the winter season, what that is to the citizens of your section of the country in the summer; and they will as naturally seek this channel to communicate with New York in the winter, as you seek the North River at the present time to communicate with New York in summer. The resources of your own valley in the vicinity of this road are so well understood, that I have not thought it necessary to say but a few words on that subject, and would only observe that they are of such a nature and so abundant, as always to afford a constant and unfailing supply of business to the road. A large amount of marble of superior quality, from the vicinity of this road, is annually transported from

twenty-five to thirty miles to tide water. Business of that kind on the completion of this road, will necessarily very much increase.

All branches of manufacturing business will be greatly benefited in the saving of transportation, and in fact the natural and certain result of opening such a communication through the country, is that all branches of industry receive its beneficial influence.

It tends also greatly to develop new resources, which become a source of profit to the man of enterprise, increases the business of the road, and adds to the wealth and population of the country.

The estimate for the grading and superstructure, I have made with much care, and submit it with full confidence that it will be found amply sufficient to make a good road on the plan I have estimated, complete and ready to receive the cars and engines. It might well be doubted by some whether a good road could be built for that sum, and was it not an uncommonly favorable route for a road, it would be impossible.

I am bound to acknowledge the attention and aid received from the Directors and others interested in the project, during the preliminary examinations, and wish you success in the project, believing as I most certainly do, that it will prove beneficial in its results to the best interests of your interesting section of the country.

Very respectfully submitted, by

Your obedient servant,

R. B. MASON, *Engineer.*

The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting of the Council. The names are arranged in alphabetical order of their surnames. The names of the persons who have been admitted to the membership of the Society since the last meeting of the Council are as follows: [illegible text]

[illegible text]

DOCUMENT No. 12.

BOARD OF ALDERMEN,

AUGUST 5, 1840.

The following Report from the Joint Committee on Fire and Water, in relation to the District Bells, was laid on the table and directed to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

The Joint Committee on Fire and Water, would respectfully communicate to the Common Council, that the district bells authorized by ordinance, are nearly completed, and will in a few days be ready for operation; it therefore becomes necessary that the proper Watchmen shall be stationed at said bells, in order to give the alarm in time of fire, the same as at the cupola of the City Hall, as the ordinance now in force makes provision only for the bell at the Hall. The said ordinance makes the ringers subject to the rules and regulations of the Watch Department, subject to and under the control of the officers of the Watch, and as such they receive pay as regular Night Watchmen; and by the 52d section of the ordinance, the Comptroller is authorized to pay them \$1 per diem as Day Watchmen, making in all \$2 25 per day.

Your Committee are fully aware that the Officers of the Watch take no charge of said Ringers, any farther than to place their names on the pay roll ; and feeling satisfied that said Ringers should be under the control of the Committee on Fire and Water and the Chief Engineer, they would offer for adoption the annexed resolutions :

Resolved, That the 51st and 52d sections of the Ordinance relating to the Fire Department, be, and the same is hereby repealed, and that the following sections be substituted :

Sec. 51. A Watchman shall at all times be stationed at the cupola of the City Hall, Reservoir, Centre, Essex and Jefferson Markets, for the purpose of giving the alarm whenever a fire occurs. The Fire and Water Committee by and with the consent of the Mayor, shall appoint a competent number of persons to perform such duty by day and night, who shall be severally removable by said Committee.

Sec. 52. The Comptroller shall pay the Watchmen stationed in the cupolas, referred to in the preceding section, for their services, at the rate of two dollars per day, on their bills being certified by the Chairman of the Fire and Water Committee, that the services have been faithfully performed.

Resolved, That sections 53d and 54th, be, and the same are hereby amended by striking out, on the first line of the 53d, and the fifth line of the 54th section, the words, "City Hall bell," and inserting "district bells."

Respectfully submitted.

SAMUEL NICHOLS,
ABRAHAM HATFIELD,
EDWARD PENNY, Jr.,
WILLIAM L. WOOD.

DOCUMENT No. 13.

BOARD OF ALDERMEN,

AUGUST 5, 1840.

Report of the Committees on Lamps and Gas, and Police, Watch and Prisons, in relation to the Watch and Lamp Districts, with an Ordinance. Laid on the table and directed to be printed.

SAMUEL J. WILLIS, CLERK.

COMPTROLLER'S OFFICE, }
NEW YORK, MAY 30, 1840. }

To the Board of Aldermen :

GENTLEMEN—The law of the State of New York, relating to taxes in this city, passed at the late session of the Legislature, directs that certain portions of the tax of 1840 shall be imposed upon the estates, real and personal, of the inhabitants of such portion of the city which the Common Council shall designate as the Watch District and the Lamp District. It is very desirable that these districts should be clearly defined, in order that the Assessors of the several wards may make the proper distinctions.

As the Watch and Lamp Districts are now defined by ordinance, the entire line of the Bloomingdale road is included, although there are no lamps in use along the road; and one other street, in the Twelfth ward, is not included, although it is lighted nightly throughout its whole extent.

The Comptroller would therefore recommend the passage of the following resolution:

Resolved, That for the purpose of imposing the Lamp and Watch Tax, for 1840, as authorized by the Legislature of this State, the Watch District shall include all that portion of the city which lies south of Twenty-sixth street; and that the Lamp District shall include all that part of the city embraced in the Watch District above described, together with the estates which front upon the Third avenue, from Twenty-sixth street to the Harlaem River; One hundred and twenty-fifth street, from the Third to the Eighth avenue; and One hundred and twenty-ninth street, from the Third to the Eighth avenue.

Respectfully submitted.

ALFRED A. SMITH, *Comptroller*.

The Committees on Lamps and Gas, and Police, Watch and Prisons, to whom was referred the communication of the Comptroller, in relation to the Lamp and Watch Districts,

REPORT:

That having given the subject the necessary investigation, they find that the entire line of the Bloomingdale road is now included in the Lamp District, although there are no lamps in use along the line of the road; and that there is one street in the Twelfth ward which, though lighted throughout its whole length, is not included in the Lamp District. This is palpably wrong; and as the law of the State, in relation to the taxes of this city, directs that a certain part of the tax of 1840, shall be levied upon the property of the inhabitants of such portions of the city as the Common Council may designate as the Lamp District, and as the Watch District, your Committee present for adoption the accompanying ordinance, by which the matter will be properly regulated, as will be seen by the diagram annexed.

All which is respectfully submitted.

JAMES FERRIS,
C. BALIS,
JOSIAH RICH,
ABRAHAM HATFIELD,
DAVID GRAHAM, Jun.

AN ORDINANCE

TO DESIGNATE THE WATCH AND LAMP DISTRICTS IN THE
CITY OF NEW YORK.

*The Mayor, Aldermen, and Commonalty of the City of
New York, do ordain as follows :*

The Watch District is hereby declared to include all that portion of the City of New York, lying south of the line described as follows : commencing at the East River one hundred feet north of Twenty-eighth (28th) street, running thence westerly and parallel to Twenty-eighth street, to a point one hundred feet west of the Fourth (4th) avenue, thence southerly and parallel to the Fourth avenue, to a point one hundred feet north of Twenty-sixth street, and thence westerly and parallel to Twenty-sixth street, to the Hudson River.

The Lamp District is hereby declared to include that portion of the City of New York lying south of the line described as follows : commencing at the East River one hundred feet north of Twenty-seventh (27th) street, running thence westerly and parallel to Twenty-seventh street, to a point one hundred feet east of the Eighth avenue, thence northerly and parallel to the Eighth avenue, to a point one hundred feet north of Forty-second street, thence westerly and parallel to Forty-second street, to a point one hundred feet west of the Tenth avenue, to a point one hundred feet

north of Twenty-seventh street, and thence westerly and parallel to Twenty-seventh street to the Hudson River ; and the said Lamp District is declared to include further all the property fronting both sides of the Third avenue, from Twenty-seventh street to the Harlaem River, the property fronting both sides of One hundred and twenty-fifth street, from the Third avenue to Bloomingdale road, and the property fronting on both sides of One hundred and twenty-ninth street, from the Third avenue to the Eighth avenue.

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DOCUMENT No. 14.

BOARD OF ALDERMEN,

JULY 27, 1840.

Report of the Commissioners of School Money, for the year 1840. Ordered to be printed and to be placed on file.

SAMUEL J. WILLIS, CLERK.

To the Corporation of the City of New York, and the Superintendent of Common Schools of the State of New York:

The Commissioners of School Money, for the City and County of New York, respectfully

REPORT:

That the returns of the year ending the first day of May last, received by the Commissioners from the respective schools and societies in this city, which participate of the school moneys, present an excess of the average number of pupils who have attended the exercises during the whole

year, over the corresponding average number for the year next preceding, of one thousand four hundred and eighty-six. In three of the schools a trifling, and probably temporary, diminution of these average attendances has taken place, to wit: in the New York Orphan Asylum, seven; in the Mechanics' School Society, two; and in the Harlaem School, two. The surplus average attendances have occurred among the other schools in the following numbers:

In those of the Public School Society of New York, one thousand four hundred.

The Institution for the Blind, thirty-five.

The Manhattanville Free School, twenty-five.

The Catholic Orphan Asylum, fourteen.

The Half Orphan Asylum, eight.

The Association for Colored Orphans, seven.

The Yorkville Public School, six.

The Hamilton School, two.

The average number of scholars between the ages of four and sixteen years, who received gratuitous instruction during the whole year, is fourteen thousand two hundred and twenty-three. The want of returns from some of the schools, of the pupils enrolled on their registers during the several quarters of the year, prevents the Commissioners from reporting the exact average aggregate for the year, of those enrolments. Statements received from three of the Societies show an average of twenty-three thousand five hundred and thirty-eight; of which the Public School Society of New York contributes twenty-two thousand nine hundred and fifty-five; the Harlaem School, two hundred and forty-one; and the Yorkville Public School, three hundred and forty-two.

From these statements, and from *data* in respect to the other schools, collected by the Commissioners, it may confidently be assumed, that the average, for the year, of the

scholars entered on all the quarterly registers, amounts to about twenty-four thousand five hundred. This latter number, however, by no means represents the aggregate of individuals who received, gratuitously, the benefits of education in the schools subject to the visitation of the Commissioners, during some portion of the period between the first of May, 1839, and the first of May, 1840.

The Laws of the State do not direct such an exhibit. It is the design of the Commissioners of School Money to obtain accurate information on this head, for the current year; and to furnish it to the Corporation of the City, and the Superintendent of Common Schools, in their next Annual Report. From the return of the Harlaem School, partial information on the subject is gathered, in respect to the past year. That document shows, that the whole number of children, between the ages of four and sixteen years, who were taught at that school, without cost to themselves, during any part of the year ending on the first of May last, is three hundred and thirty-five; whilst the average number on its quarterly registers is two hundred and forty-one; and the average number of attendances during the whole year, one hundred and forty-three; the differences of the respective numbers arising from retirements from the school, or from chasms in the attendance of the scholars quarterly registered. If the comparison furnished by the return in question, between the actual number of individuals taught during some portion of the year, and the average number enrolled on the quarterly registers, may be safely applied to all the schools in this city which receive a part of the distributive fund, (except those designed exclusively for the blind and the orphan,) it would result, that the entire number of persons, between the ages of four and sixteen years, who, without paying any recompense, were taught during some part of the last year, in the schools within this city entitled to a participation of the school moneys, is not less than thirty-three thousand five hundred.

Great as this number is, it would be largely increased if the efforts made out of doors, particularly by the Public School Society, to bring within the schools open to *all*, those of our juvenile population who are wantonly idle and wilfully ignorant, and to counteract the perverse disregard of some parents to the mental improvement of their progeny, could be aided by any legitimate steps of the public authorities, towards the attainment of those ends.

Of the average number of pupils entered upon the quarterly registers of the Public School Society of New York, one thousand four hundred and fifty-eight were colored children, who were taught in the several schools appropriated to their instruction.

The same Society has also educated in its schools, during the past year, four hundred and thirty-five children under the age of four years, in addition to the pupils mentioned in its general returns. Under the existing law, no allowance from the school money could be made for these infants. The relief which their protection at school affords, in most cases to poor and industrious parents, whose sources of daily support require their frequent absence from home, and the early improvement manifested by many of these children, suggest the consideration, which the Commissioners respectfully submit, whether some contributions from the fund ought not hereafter to be granted on account of this class of scholars. The Commissioners are aware, that the proper limitations applicable to this matter would be of difficult adjustment, and could perhaps be satisfactorily ascertained only after the experience of a few years, of such measures as might be temporarily ventured on to test their usefulness.

The number of schools subject to the visitation of the Commissioners, has increased to one hundred and fifteen. Of these, ninety-eight are under the direction of the Public School Society. The New York Orphan Asylum, the Catholic Orphan Asylum, the Mechanics' School Society, the Harlem School, the Yorkville Public School Society, the

Manhattanville Free School, and the Association for the benefit of Colored Orphans, have each two schools; and the Half Orphan Asylum, the Institution for the Blind, and the Hamilton School, (near Fort Washington,) one school each. Four lots of ground, in different parts of the city, have, during the year, been purchased by the Public School Society as additional sites for primary schools; and a like number of buildings has, within the same period, been erected by them, for the further accommodation of pupils. The main marble building, which will supersede the old wooden building of the Institution for the Blind, is in progress; the private bounty which has been bestowed on that interesting charity, having received new aid and impulse from the additional donation by the State. The Yorkville Public School House having been destroyed by fire in the year 1839, a spacious brick building has been substituted, at a cost of \$3,500, which has exhausted the pecuniary means of the Institution, and left it one thousand dollars in debt. The Hamilton School House has been new roofed, and otherwise repaired. Of the other schools, the condition is substantially the same as at the date of the last report.

The qualifications and efforts of the teachers employed, and the course of literary instruction in the schools, continue to deserve the approbation of the Commissioners. Without intending to detract from the acknowledged merits of the many worthy individuals who devote themselves to the education of youth in the numerous day schools scattered throughout the city, the Commissioners may be allowed to express their belief, that generally the schools supported from the school money will not, as regards the progress of the pupils in the several branches taught there, nor on the score of legitimate discipline, suffer by a comparison with any others in this metropolis.

The amount of the deposits made according to law for distribution by the Commissioners, is one hundred and twenty-four thousand nine hundred and three dollars and

forty-one cents; of which thirty-four thousand one hundred and seventy-two dollars and forty-seven cents were contributed by the State, and ninety thousand seven hundred and thirty dollars and ninety-four cents by the City of New York.

The schedule, number 1, annexed to this report, shows the particulars which compose this aggregate amount; from which the amount actually distributed, and the deficiency of the last year being deducted, leave a balance in the Bank of the State of New York, to the credit of the Commissioners, of seven dollars and sixty-two cents.

Schedule No. 2 exhibits the manner in which the sum of one hundred and twenty-four thousand eight hundred and seventy-seven dollars and ninety-four cents was this year apportioned by the Commissioners; and also the returns of pupils who attended in the several schools throughout the year, upon which the apportionment was founded.

Schedule No. 3 sets forth the sums distributed to the respective schools and societies in the year 1839; the manner in which they were expended; the period during which the schools were open; and the state of the property, and affairs of the schools, as far as it has been reported to the Commissioners, and has not been herein before mentioned.

The Commissioners, in closing this report, refer with satisfaction to the recent decision of the Board of Assistants, by which a renewal of ecclesiastical connexions with the common school system in this city, has been unanimously denied. Without adverting to inflexible political maxims, which forbid such an union, the Commissioners believe, that practically it would be offensive to the public feeling; unequal in its benefit to the various religious denominations; and destructive, perhaps, to the cause, now so flourishing, of free and general education. Should the school moneys be dispensed among the seminaries, the first qualification of whose teachers is sectarian orthodoxy, and wherein prescribed forms and rules of faith are inculcated, to which the

assent of no entire neighborhood within the city could be expected, it is to be feared that such a distribution would be regarded as inconsistent with the *common rights* which the present scheme of public instruction professes to secure ; that the contributions which, by reason of that equality, have hitherto been cheerfully paid, may become burdensome and unwilling ; and that the general voice might soon imperatively demand that they be materially diminished, if not wholly withdrawn.

All which is respectfully submitted.

Dated at the City of New York, the 14th day of July, 1840.

SAMUEL GILFORD, Jr., *Chairman*.

GEORGE D. STRONG, *Secretary*.

*Schedule No. 1, referred to in the foregoing Report.**Sums deposited by the State.*

From the revenue of the Common School Fund	\$13,688 99
From the income of the United States Deposit Fund	20,483 48
	<hr/>
	\$34,172 47

Sums deposited by the Corporation of the City of New York.

Amount equivalent to the above deposits of the State	\$34,172 47
Amount equivalent to the deposit made by the State in 1839, from the income of United States Deposit Fund	20,483 47
Amount derived from special tax of 2-80ths of one per cent.	\$36,575
Less reserved to pay the expenses of the Commissioners	500
	<hr/>
	90,730 94

Total deposits	\$124,903 41
Deduct amount due to the Bank of the State of New York after the distribution of 1839, (see report of that year)	17 85

Leaving	<hr/>
Amount distributed this year	\$124,885 56
	124,877 94
	<hr/>
Balance in said Bank to the credit of the Commissioners	\$7 62

Schedule No. 2, referred to in the foregoing Report.

SOCIETIES OR SCHOOLS.	Average number of Scholars on the registers during the year.	Average number of Scholars attending during the year.	Amount of school money distributed this year.
Public School Society of New York	22,955	13,189	\$115,799 42
New York Orphan Asylum	Not reported.	165	1,448 70
Catholic Orphan Asylum	do	158	1,387 24
Half Orphan Asylum	do	120	1,053 60
Institution for the Blind	do	59	518 02
Mechanics' Society School	do	57	500 46
Harlaem School	241	103	904 34
Yorkville Public School	342	217	1,905 26
Manhattanville Free School	Not reported.	87	763 86
Hamilton School	do	16	140 48
Association for the benefit of Colored Orphans	do	52	456 56
	23,538 As far as reported.	14,223	\$124,877 94

Schedule No. 3, referred to in the foregoing Report.

SOCIETIES OR SCHOOLS.	Suma received from the Commissioners in 1888.	Manner of expenditure.	Times the Schools were open.	State of the Schools, their property, and affairs.
Public School Society of New York	\$111,582 88	Payment of Teachers and general expenses.	49 weeks.	Not reported.
New York Orphan Asylum.....	1,627 98	Paid Teachers.	50 weeks.	Balance in Bank, \$207.
Catholic Orphan Asylum	1,362 96	do	11 months.	Not reported.
Half Orphan Asylum	1,060 08	do	12 months.	do
Institution for the Blind	227 16	do	11 months.	Sundry buildings; \$899 72 in cash; and an appropriation by the State.
Mechanics' School Society	558 44	Not returned.	470 half days	Not returned.
Harlaem School.....	993 82	Paid Teachers and for books.	11 $\frac{1}{2}$ months.	do
Yorkville Public School	1,997 11	Paid Teachers.	12 months.	New brick school house and five lots.
Manhattanville Free School	586 83	do	49 weeks.	lots Brick school house and four
Hamilton School.....	132 51	do	12 months.	Lot of land and wooden school house.
Association for the benefit of Colored Orphans ..	425 93	{ Paid Teachers \$393 70.	12 months.	Balance in Bank, \$32 23.
	\$120,555 70			

DOCUMENT No. 15.

BOARD OF ALDERMEN,

AUGUST 7, 1840.

Report of the Comptroller, in answer to the resolution inquiring into the expenses of the Fire Department. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

Resolved, That the Comptroller report to this Board, a statement of the payments made on account of the Fire Department since the 1st of January last; giving them in detail, showing the particulars of the payments.

OFFERED BY ALDERMAN BENSON.

COMPTROLLER'S OFFICE,

NEW YORK, MAY 6, 1840.

To the Honorable the Board of Aldermen:

GENTLEMEN—In accordance with the resolution annexed, a particular account of the expenditures of the Fire Depart-

ment, from the 1st of January last up to this day, as appears by the vouchers in this office, is submitted. The whole amount appropriated for the Fire Department, including the special appropriation for the hook and ladder house at Yorkville, of \$1,000, and the other special appropriation of \$6,000, for the purchase of the Philadelphia engines, &c., is \$53,000. The amount expended is \$51,255 81, leaving an unexpended balance of \$1,744 19. The original estimate for this department, for the year 1840, was \$46,000; for which amount only a tax is authorised to be imposed. This estimate is very far below the actual expenditure on this account for the several previous years. The Fire and Water Committee, at the time the estimate was made by them, anticipated an early introduction of the district system, which would supersede the necessity of employing cleaners at the city expense, and thereby effect a saving of at least \$16,000 during the year. This anticipation has not been realized, and sufficiently accounts for the early exhaustion of the general appropriation. I avail myself of this occasion *again* to recommend to your attention the propriety of making some additional regulation upon the subject of appropriations. As the ordinances now stand, it would be gratuitous, on the part of the Comptroller, to anticipate the failure of an appropriation, the sufficiency of which must depend upon the action of the Common Council, or its Committees, seldom communicated to him until the contracts are payable.

His duty in this matter is well discharged if he announce the failure after it actually takes place; but in doing so it must, of necessity, be under circumstances requiring him to urge the hasty action of the Common Council, if it wish the public faith to be promptly sustained, lest the payment of the claims of individuals against the city should be needlessly and unjustly deferred, and the Common Council itself exposed to censure in consequence of its own omission.

The communications, therefore, in these matters, will wear the appearance of haste; and they must so continue, unless

the Common Council shall require their Executive Committees, and the heads of their several Executive Departments, to communicate, either to this department or the Common Council, in advance, whenever an appropriation shall, in their opinion, be inadequate to accomplish the object intended.

Respectfully submitted.

ALFRED A. SMITH,
Comptroller.

STATEMENT

OF THE

Amount of Warrants issued by the Comptroller for account of the Fire Department, from the 1st of January to the 1st of August, 1840, inclusive.

1840.

Jan. 1.	Corporation of Trinity Church, for rent of lot in Reade street	\$ 62 50	
	Fire Watch, cupola, City Hall	124 00	
	Caleb J. Fordham, Superintendent of Buildings, working men's wages	\$838 50	
	Materials	538 99	
		<u>1,377 49</u>	\$ 1,563 99
" 13.	J. N. Barnes, 1 qr. rent hose house in Courtlandt alley	\$ 37 50	
	C. J. Fordham, for working men's wages	\$ 749 68	
	C. J. Fordham, for materials, &c.	1,814 79	
		<u>2,564 47</u>	2,601 97
" 27.	Fire Watch, cupola, City Hall	\$124 00	
	L. Wall, rent engine house in Elizabeth street	20 00	
	Joseph L. Mott, rent hose house in Bayard street	25 00	
" 27.	James Gilman, painting Engine House No. 3	31 00	
	C. V. Anderson, Chief Engineer, 1 quarter's salary	125 00	
	C. J. Fordham, to pay working men's wages \$	788 77	
	C. J. Fordham, to pay for materials, &c.	1,373 92	
		<u>2,162 69</u>	2,487 69
	Amount carried forward		\$6,653 65

1840.	Amount brought forward		\$6,653 65
Feb. 10.	G. A. Hoyt, rent of engine house No. 4. Doyer street	\$ 50 00	
	T. Snowden, printing report of Chief Engineer	30 00	
	P. F. Parker, tearing down ruins in South street	50 98	
	C. J. Fordham, to pay cleaners of engines	4,052 09	
	R. Jaffray, one large engine, (the Southwark)	666 00	
	C. J. Fordham, to pay working men's wages \$ 740 77		
	C. J. Fordham, to pay for materials, &c.	1,079 70	
		<u>1,820 47</u>	
" 24.	J. N. Barnes, 1 quarter's rent Hose Company No. 19	\$ 37 50	6,669 54
	C. J. Fordham, to pay working men's wages \$ 923 07		
	C. J. Fordham, to pay for materials, &c.	1,399 08	
		<u>2,327 15</u>	
March 9.	Fire Watch, cupola, City Hall	\$ 116 00	2,364 65
	C. J. Fordham, to pay working men's wages \$ 920 87		
	C. J. Fordham, to pay for materials, &c.	1,780 80	
		<u>2,701 67</u>	
March 23.	Ground rent of engine house in El- dridge street	\$ 50 00	2,817 67
	Expense of house for Hook and Lad- der Company No. 1	35 13	
	Repairs to the "Southwark" Fire Engine	35 23	
	C. J. Fordham, to pay working men	\$ 925 09	
	C. J. Fordham, to pay for materials &c.	1,192 19	
		<u>2,117 28</u>	
			<u>2,237 64</u>
	Amount carried over		\$20,743 15

1840.	Amount brought over	\$20,743 15	
April 6.	Fire Watch, cupola, City Hall	\$ 124 00	
	J. Winans, 24 keys for Chief Engineer	10 00	
	C. J. Fordham, on account of engine house at Yorkville	500 00	
	C. J. Fordham, to pay working men's wages \$979 72		
	C. J. Fordham, to pay for materials, &c.	696 79	
		<u>1,676 51</u>	
			2,310 51
" 20.	Lansing Wall, rent of Engine House No. 19	\$ 20 00	
	S. Gilman, painting house for Engine No. 36	35 00	
	C. J. Fordham, to pay working men's wages \$822 65		
	C. J. Fordham, to pay for materials, &c.	1,418 70	
		<u>2,241 35</u>	
			2,296 35
May 1.	Fire Watch, cupola, City Hall	\$120 00	
	C. V. Anderson, Chief Engineer, 1 quarter's salary	125 00	
	Trinity Church, rent of lot in Reade street 6 months	62 50	
	J. L. Mott, 1 quarter's rent of hose house in Bayard street	25 00	
" 1.	G. A. Hoyt & Co., 1 quarter's rent of engine house in Doyer street	50 00	
	A. D. B. Cornelison, 6 months' ground rent of Engine House No. 36, corner of Varick and Vandam streets	25 00	
		<u>407 50</u>	
" 4.	C. J. Fordham, to pay working men's wages \$967 87		
	C. J. Fordham, to pay for materials, &c.	2,256 37	
		<u>\$3,224 24</u>	
	Amounts carried forward	\$3,224 24	\$25,757 51

1840.	Amounts brought forward	\$3,224 24	\$25,757 51
May 4.	C. J. Fordham, to pay cleaners of engines	4,139 95	
			7,364 19
" 18.	C. J. Fordham, to pay working men's wages \$ 923 00		
	C. J. Fordham, to pay for materials, &c.	1,200 01	
		2,123 01	
	C. J. Fordham, payment for engine house at Bloomingdale	200 00	
			2,323 01
June 1.	Fire Watch, cupola, City Hall	\$124 00	
	Richard Riker, rent of ground in Nas-au street, for Engine Company No. 38, to May 1st	50 00	
	P. & R. Goelet, 1 quarter's rent of premises No. 3 Renwick street ..	70 00	
	D. R. Snyder, expenses of election for Chief Engineer	144 44	
	C. J. Fordham, to pay working men's wages \$1,033 97		
	C. J. Fordham, to pay for materials, &c.	1,846 22	
		2,885 19	
	C. J. Fordham, to pay Fitch & Co. for two Spanish bells, weighing 4,696 lbs. at 22 cents	1,033 12	
	C. J. Fordham, balance of contract for engine house at Yorkville	500 00	
			4,806 75
" 15.	J. W. Bell, printing annual return ..	\$ 65 00	
	J. N. Barnes, 1 quarter's rent of house in Cortlandt alley, for Hose Cart No. 19	37 50	
	D. L. Farnan, 1 fire engine complete	1,000 00	
	James Smith, 1 fire engine complete	1,000 00	
	C. J. Fordham, to pay working men's wages \$1,088 26		
	C. J. Fordham, to pay for materials, &c.	1,262 92	
		2,351 18	
			4,453 68
	Amount carried over		\$44,705 14

1840.	Amount brought over		\$44,705 14
June 29.	Fire Watch, cupola, City Hall	\$ 120 00	
	C. J. Fordham, to pay working men's wages \$ 760 44		
	C. J. Fordham, to pay for materials, &c.	1,971 42	
		<u>2,731 86</u>	2,851 86
July 13.	C. J. Fordham, to pay working men's wages \$ 696 96		
	C. J. Fordham, to pay for materials, &c.	1,315 42	
			2,012 38
" 27.	W. R. Demarest, painting engine house for No. 1	\$ 55 00	
	C. J. Fordham, to pay working men's wages \$ 727 30		
	C. J. Fordham, to pay for materials, &c.	610 13	
		<u>1,337 43</u>	1,392 43
Aug. 1.	Lansing Wall, 1 quarter's rent of engine house No. 19	\$ 20 00	
	C. V. Anderson, 1 quarter's salary Chief Engineer	125 00	
	Fire Watch, cupola, City Hall	124 00	
	J. L. Mott, 1 quarter's rent of hose house in Bayard street	25 00	
		<u>294 00</u>	
			\$51,255 81
Jan. 1.	General appropriation \$30,000 00		
June 1.	Do. do. 16,000 00		
		<u>\$46,000 00</u>	
March 7.	Appropriation for hook and ladder house at Yorkville, all expended	1,000 00	
	Appropriation February 13, for four fire engines, of increased power, expended in part	6,000 00	
		<u>53,000 00</u>	
	Amount of appropriations unexpended	\$ 1,744 19	

REPORT

OF THE

CONTROLLER,

IN RELATION TO THE

ACCOUNTS OF THE CITY CHAMBERLAIN

AND

The Finances of the City generally.

DOCUMENT No. 16.

NEW YORK:

BRYANT AND BOGGS, PRINTERS TO THE BOARD OF ALDERMEN.

THE

CONSTITUTION

OF THE

REPUBLIC OF THE UNITED STATES OF AMERICA

AS AMENDED

TO THE

PEOPLE

OF THE UNITED STATES OF AMERICA

DOCUMENT No. 16.

BOARD OF ALDERMEN,

AUGUST 7, 1840.

Report of the Comptroller in relation to the accounts of the City Chamberlain, and the Finances of the City generally. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

COMPTROLLER'S OFFICE,
NEW YORK, AUGUST 1, 1840.

To the Honorable the Common Council of the City of New York:

GENTLEMEN—Accompanying this communication are the accounts of the City Chamberlain for the quarter ending this day, the same having been compared and examined in this office.

The cash balance standing to the credit of the City Treasury is \$658,565 87. The cash balance standing to the credit of the Commissioners of the Sinking Fund is \$19,882 67. And the cash balance standing to the credit of the account of interest on the Fire Loan is \$33,801 48, making an unexpended aggregate of \$712,250 02 in the Treasury this day.

I have also appended hereto statements showing the amount of uncollected taxes and claims due the city to this day, by which it appears that there is due on account of taxes say..... \$200,000 00

On account of rents	115,816 07
“ “ liens on lots	36,499 17

Total \$352,315 24

while the amount of uncompleted contracts, exclusive of those on account of the Croton Aqueduct, is less than \$70,000, as will appear from the statements made by the several departments annexed.

The statements annexed, marked A, B, C and K, L, M, exhibit the amounts that have been received into the Treasury during the several months of February, March, April, May, June and July, and the amount of warrants issued by the Comptroller during the same period, as shown by the books of the Chamberlain and Comptroller; with the excess of receipts or disbursements for each month.

The statements marked D and N exhibit the receipts for the quarter ending the 30th April and the 31st July, and those marked E and O, the amount of warrants issued for the same time; the difference between them exhibits the actual state of the finances at the close of each quarter.

The statements marked F and B show the amount of warrants paid at the Bank during the two quarters ending as above, and the balance in Bank at those periods

A statement of the interest which has been received and deposited to the credit of "Interest on Fire Loan belonging to the Commissioners of the Siuking Fund," to meet interest accruing on Fire Loan Stock, is exhibited by the schedules marked G and Q, being made up for the quarter ending 30th April and 31st July instant.

The account current of C. W. Lawrence, City Treasurer, for the quarter ending the 30th April, exhibiting the balance on hand that day to be \$199,007 50, and which agrees with

the amount exhibited by statement marked F; and his account current with the Commissioners of the Sinking Fund to the same date as above, and which shows the balance on hand that day to their credit to be \$74,457 42, are both contained in document marked H.

The statement I, is the certificate of R. Withers, the Cashier of the Bank of the State of New York, that there was to the credit of the "City Treasurer," at the close of business on the 30th April, the sum of \$199,007 50, and to the credit of the Commissioners of the Sinking Fund the sum of \$74,457 42, which corresponds with the amounts represented by the accounts current of the Chamberlain; and that there was also the sum of \$13,275 99 standing to the credit of Interest on Fire Loan belonging to the Commissioners of the Sinking Fund, which corresponds with the amount in statement marked I.

The account current of the City Treasurer for the quarter ending the 31st July, exhibits the balance on hand that day to be \$658,565 87, which agrees with the amount exhibited by statement marked P. It is contained in statement marked R, as is also his account current with the Commissioners of the Sinking Fund, and which represents the amount to their credit on that day to be \$19,882 67. The correctness of these amounts are certified to by R. Withers, Cashier, who represents, in statement marked S, that there is to the credit of the several accounts mentioned the sums before specified, and that there is also the sum of \$33,801 48 to the credit of "Interest on Fire Loan" belonging to the Commissioners of the Sinking Fund, and which agrees with the amount represented in statement marked Q.

The statement marked T, is an account of the monies spent under the various appropriations, the amount of the appropriations, and the balance of each appropriation as yet unexpended.

Respectfully submitted.

ALFRED A. SMITH,
Comptroller.

Statement of Rents outstanding Aug. 1, 1840,

As per books of Comptroller's Office.

From what source.	Sinking Fund.	Treasury Account.
Water Lot Rent.....	\$3388 50	
Do. do.		\$20,993 06
Ground Rent (City Lots).....		15,201 35
Do. do. (Brooklyn)		3533 51
House Rent		3753 82
Common Land Rent		4237 37
Ferry Rent		12,837 96
Dock and Slip Rent, due prior to May, 1839		28,648 00
Do. do. on year ending May, 1840		11,982 50
Do. do. first quarter of year ending May, 1841, less 10 per cent. received on day of sale.....		11,240 00
Total of rent due as per books....		\$112,427 57
From the above amounts, in consequence of erroneous charges on the books and tenants leaving the premises without paying the rent due, there will probably be uncollecta- ble of Ground Rents, City Lots \$ 512 50		
Ground Rents, Brooklyn.....	900 00	
House Rents	1078 75	
Common Land Rents.....	1816 25	
Ferry Rent.....	2325 00	
Dock and Slip Rent prior to 1839	14,324 00	20,956 50
	\$3,388 50	\$91,471 07

*The following is the amount of Taxes yet due and unpaid
in the first seven wards, from the year 1833 to the
year 1838 inclusive:*

1833—First Ward	\$362 30	
Second Ward	63 43	
Third Ward	1191 72	
Fourth Ward	156 35	
Fifth Ward	727 89	
Sixth Ward	18 29	
Seventh Ward	172 80	
	<hr/>	2692 78
1834—First Ward	646 48	
Second Ward	129 39	
Third Ward	814 34	
Fourth Ward	128 60	
Fifth Ward	213 82	
Sixth Ward	94 50	
Seventh Ward	225 75	
	<hr/>	2252 88
1835—First Ward	1416 80	
Second Ward	92 76	
Third Ward	396 52	
Fourth Ward	186 07	
Fifth Ward	389 57	
Sixth Ward	781 76	
Seventh Ward	234 89	
	<hr/>	3498 37
• Amount carried forward	\$8,444 03	

Amount brought forward.....	\$8,444 03
1836—First Ward.....	1931 14
Second Ward.....	230 80
Third Ward.....	342 00
Fourth Ward.....	203 40
Fifth Ward.....	586 19
Sixth Ward.....	527 25
Seventh Ward.....	235 44
	<hr/> 4056 22
1837—First Ward.....	622 34
Second Ward.....	189 38
Third Ward.....	591 75
Fourth Ward.....	490 16
Fifth Ward.....	785 00
Sixth Ward.....	344 46
Seventh Ward.....	1217 70
	<hr/> 4240 70
1838—First Ward.....	594 05
Second Ward.....	341 55
Third Ward.....	740 04
Fourth Ward.....	175 00
Fifth Ward.....	228 43
Sixth Ward.....	7960 10
Seventh Ward.....	999 73
	<hr/> 11,038 90
	<hr/> \$27,779 85
For 1839.....	31,540 56
	<hr/>

THOMAS K. KELLINGER,

Collector.

Amount of Taxes due and unpaid in the Eighth, Ninth, Tenth, Eleventh and Twelfth Wards, for the years 1838 and 1839.

EIGHTH WARD.

1838, and previous years.....	\$ 509 57
1839,	2,623 75—\$3,133 32

NINTH WARD.

1838, and previous years	\$2,460 12
1839,	5,791 93— 8,252 05

TENTH WARD.

1838, and previous years	\$378 51
1839,	1,359 71— 1,738 22

ELEVENTH WARD.

1838, and previous years	\$12,098 36
1839,	5,634 75 —17,733 11

TWELFTH WARD.

1838, and previous years	\$30,951 66
1839,	18,659 24— 49,610 90

Total amount uncollected in 8th, 9th, 10th, } 11th, and 12th wards..... }	————— \$80,467 60
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August 1st, 1840.

JOHN P. TRUESDELL, COLLECTOR.

E. D. TRUESDELL, CLERK.

RETURN

OF UNPAID TAXES TO THE FIRST DAY OF AUGUST, 1840.

13th, 14th and 15th wards, for the years 1833, 1834, 1835, 1836 and 1837		\$ 3,638 26
13th ward	1838	96 32
14th do.	1838	95 20
15th do.	1838	1,045 29
16th do.	1836	6,896 44
16th do.	1837	11,547 32
16th do.	1838	16,877 21
17th do.	1837	2,848 65
17th do.	1838	5,427 89
13th do.	1839	62 05
14th do.	1839	2,095 26
15th do.	1839	4,566 12
16th do.	1839	26,314 92
		<hr/>
		\$81,510 93

CLARKSON CROLIUS,
Collector of Arrears.

17th ward. Return of delinquents, 1839, \$16,023 16	
Amount received to 1st August,.....	2,527 51
	<hr/>
	\$13,495 65

CLARKSON CROLIUS,
Collector of Arrears.

Dr.	LIENS ON LOTS.	Cr.	
1840.		1837.	
Jan. 1. To balance, as per ledger	\$36,052 65	Nov. 20. By filling low grounds properly chargeable to other accounts....	\$ 135 00
May 4. To trunk at 8th street and 9th street and avenue C	30 00	1838.	
To interest paid in by J. Green, 20th October, 1838	364 28	Sep. 24. By putting in trunks at avenue B, 6th to 10th streets do. do.	190 00
To cash collected of P. Bounett and J. Gibson, and paid in by J. Green, 12th June, 1840	42 94	Jan. 29. Opinion of Counsel, do. do.	25 00
To amount overpaid by J. Clason	00 22	1839.	
To amount overpaid by J. Q. Leake	00 04	Jan. 28. By Surveyor's fees, do. do.	320 00
To amount overpaid by Schieffelin	00 04	Feb. 25. By amounts to be charged to contingencies	72 31
To amount charged on liens for printing	9 00	June 3. By filling at Bellevue, properly chargeable to other accounts....	3,788 59
		July 20. By filling Sun Fish pond, do. do.	2,100 00
		July 1. By trunks at 6th and 7th streets, and avenues C and D do. do.	28 61
		Aug. 26. By filling one-half of Old Post road 1840.	963 22
		May 4. By trunk at 8th and 9th streets, near avenue C	30 00
		June 12. By cash paid in by J. Green	1,051 09
		By balance due on this account, for which there is a lien on the property improved.	27,795 80
	\$36,499 17		\$36,499 17

ALFRED A. SMITH, Esq., *Comptroller* :

DEAR SIR—The contracts made by the Street Commissioner, the expense whereof will be paid from the City Treasury, are as follows, viz. :

Bulkhead between piers Nos. 1 and 2, North River, contract dated 12th May, to be paid	\$1,836 00
Bridge at 106th street, contract dated 13th May, to be paid	1,485 17
Bulkhead at Rutgers slip, contract dated 28th May, to be paid	* 4,500 00
Pier at Troy street, contract dated 9th June, to be paid	3,835 00
Pier No. 22 East River, contract dated 11th June, to be paid	3,800 00
Pier No. 21 East River, contract dated 12th June, to be paid	3,385 00
Filling and Macadamizing the 3d avenue, from 45th to 57th street, contract dated 2d July, to be paid	1,800 00
Pier No. 18 East River, half Corporation, con- tract dated 30th July, to be paid	1,250 00
Pier No. 19 East River, half Corporation, con- tract dated 30th July, to be paid	1,393 00
Pier No. 23 East River, half Corporation, con- tract dated 30th July, to be paid	1,000 00

Yours respectfully.

JOHN EWEN,
Street Commissioner.

Street Commissioner's Office, }
July 30, 1840. }

* To be reimbursed to the city, two-thirds by assessment.

CROTON AQUEDUCT.

REPORT

ON

MONTHLY ESTIMATES.

NEW YORK, 28th JULY, 1840.

*To the Honorable the Board of Water Commissioners of
the City of New York:*

GENTLEMEN—I have prepared a revised estimate of the funds that will be wanted in each month for the remainder of this year, for the work that will be done on the Croton Aqueduct. It is not practicable to do any thing more than form an approximate statement for this object; some months will probably require less and some a larger sum, depending on the progress the contractors make in their work. The facility of obtaining labor this season, has induced, thus far, a more rapid prosecution of the work than was expected when the estimate of December last was made; and up to this time there has been an aggregate deficiency in that estimate of about \$74,000, exclusive of salary and incidental expenses, making the total amount of disbursements something over \$100,000, in excess of the estimate.

The estimate for the 25th instant is made out, and as near approximate estimates as can now be prepared, for the remainder of the year, are presented below. As the estimate of the 25th instant will be presented in the form of a requisition, I have not supposed it necessary to include it in this statement.

Probable amount of monthly estimates, including expenses of Engineer Department, and incidental expenses, for the remainder of the current year :

For August 25th	\$260,000
For September 25th	210,000
For October 25th	230,000
For November 25th	225,000
	<hr/>
	\$925,000

The estimate of December last, for the above months, was \$950,000. It therefore appears probable, that the estimate of December last, for the current year, will fall short of the funds wanted for the same time about \$100,000. From present indications it is not probable the above statement of monthly estimates will be exceeded in the aggregate. But there may be considerable variation in the several months, from the uncertainty in regard to the time when the finished sections will be ready for settlement. As the ten per cent, reserved in the ordinary monthly estimates, makes a large item in the final payment, the completion of contracts materially affects the monthly requisition at which they come in.

Cases will most probably occur, in which sections will be prepared for final payment at an earlier and at a later requisition, than now anticipated. It is believed, however, that the estimate will be found to approximate sufficiently near the wants of the work, to answer as the basis of financial arrangement.

Respectfully submitted.

(Signed.)

JOHN B. JERVIS,
Chief Engineer N. Y. W. W.

CITY INSPECTOR'S OFFICE,
July 30, 1840.

SIR—The contracts for filling sunken lots, uncompleted, authorized by ordinances of the Common Council, are as follows :

For filling sunken ground between avenues C and B, and Sixth and Seventh streets, estimated expense	\$2,300
For filling sunken ground between avenues B and C, and Seventh and Eighth streets, estimated expense	2,500
For filling sunken ground between avenues B and C, and Fifth and Sixth streets, estimated expense	1,600
For filling sunken ground between avenues C and D, and Eighth and Ninth streets, estimated expense	2,300
	<hr/>
	\$8,700

Yours respectfully.

WILLIAM A. WALTERS,
City Inspector.

NEW YORK, JULY 28, 1840.

We hereby contract to deliver Mr. Jonas Chandler, for Corporation City New York, ten thousand gallons summer strained sperm oil, at 93 cts. per gallon, delivered at the Oil House, agreeable to sample.

D. H. KINGSLAND.

EXTRACT

*From the Minutes of the Fire and Water Committee,
March 7, 1840.*

PRESENT—Messrs. Willis, Nichols, Howe, Simpson and Lee.

Resolved, That the Water Purveyor be, and is hereby authorized to make contracts with the following persons for the pipes and castings annexed to their respective names, viz.:

David Wood, 300 6-inch pipes, at 80 cts. per foot, with the necessary castings, at $2\frac{1}{2}$ cts. per lb., and 10 per cent. off for cash.

Ward, Stillman & Co., 2,000 12-inch pipe, at \$1 90 per foot, with the necessary castings at \$65 per ton of 2,240lbs.

I. Bush, 3,500 6-inch pipe, at 96 cts. per foot.

I. Bush, 500 10-inch pipe, at 170 cts. per foot.

I. Bush, 500 12-inch pipe, at 189 cts. per foot.

Castings, \$59 50 per ton of 2,240lbs.

F. R. LEE, *Secretary*.

SUPERINTENDENT OF STREETS' OFFICE,
July 31, 1840.

SIR—Your communication of the 25th instant informs me that your Department requires from this office, by virtue of a resolution or ordinance of the Common Council, a statement of all contracts made, directed, or authorized, and not completed and paid, the expenses of which, or any part whereof, shall remain to be paid from the City Treasury.

In answer to the above, the Superintendent feels happy to inform you, that all contracts, &c., as stated in the above resolution, &c., have been settled by his Department up to this date.

WILLIAM GAGE,
Superintendent of Streets.

A.

Dr. *Statement of Receipts and Disbursements in Comptroller's Office, for February.* Cr.

1840.	
Feb. 8. For amount received since 31st January, as per entry in the Chamberlain's books	\$291,448 46
" 15. For amount of receipts for week ending this day, as per entry in the Chamber- lain's books	378,265 77
" 22. For amount of receipts for week ending this day, as per entry in the Cham- berlain's books	53,835 13
" 29. For amount of receipts for week ending this day, as per entry in the Cham- berlain's books	18 689 58
	<hr/>
	\$742,238 94
Feb. 10. By amount of warrants drawn for this day's pay, Nos. 766 to 916, both in- clusive	\$484,942 98
" 24. By amount of warrants drawn for this day's pay, Nos. 917 to 1,102, both in- clusive	221,059 86
" 29. By excess of receipts over disbursements, for the month of February, 1840	36,236 10
	<hr/>
	\$742,238 94

NEW YORK, MARCH, 1840.

E. E.

B.

Dr. *Statement of Receipts and Disbursements in Comptroller's Office, for March, 1840.* Cr.

1840.	
March 7. For amount of receipts for week ending this day, per entry in the Chamberlain's books	\$101,291 14
" 14. For amount of receipts for week ending this day, per entry in the Chamberlain's books	32,430 92
" 21. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	14,898 86
" 28. For amount of receipts for week ending this day, as per entry in Chamberlain's books	10,121 40
	<hr/>
	\$158,742 32
March 9. By amount of warrants drawn for this day's pay, Nos. 1,103 to 1,184, both inclusive	\$59,266 83
" 23. By amount of warrants drawn for this day's pay, Nos. 1,185 to 1,308, both inclusive	51,645 13
" 31. By excess of receipts over disbursements, for the month of March, 1840	47,830 36
	<hr/>
	\$158,742 32

NEW YORK, APRIL, 1840.

E. E.

Dr. *Statement of Receipts and Disbursements in Comptroller's Office, for April, 1840.* Cr.

1840.		1840.	
April 4. For amount of receipts for week ending this day, per entry in the Chamberlain's books	\$124,106 16	April 6. By amount of warrants drawn for this day's pay, Nos. 1,309 to 1,392, both inclusive	\$ 54,115 96
" 11. For amount of receipts for week ending this day, per entry in the Chamberlain's books	40,425 57	" 20. By amount of warrants drawn for this day's pay, Nos. 1,393 to 1,542, both inclusive	77,800 85
" 18. For amount of receipts for week ending this day, per entry in the Chamberlain's books	46,314 21	" 30. By excess of receipts over disbursements, for month of April, 1840	142,556 30
" 25. For amount of receipts for week ending this day, per entry in the Chamberlain's books	31,273 40		
" 30. For amount of receipts since 25th inst., as per entry in the Chamberlain's books	33,353 77		
	<u>\$274,473 11</u>		<u>\$274,473 11</u>

E. E.

NEW YORK, MAY, 1840.

D.			D.	
CORNELIUS W. LAWRENCE, City Treasurer,			Weekly Receipts.	Monthly Receipts.
1840	Feb'y	1. For Balance on hand this day to credit of City, as per former account		\$129,916 91
"	"	8. " amount of Receipts to credit of the City since 31st January, per Treasurer's return.....	\$291,448 46	
"	15.	" amount of Receipts to credit of the City for week ending this day, per Treasurer's return	378,265 77	
"	22.	" Do. do.	53,835 13	
"	29.	" Do. do.	18,689 58	
"	29.	" Do. do. for month of February, 1840		742,238 94
March	7.	" amount of Receipts to credit of the City for week ending this day, per Treasurer's return	\$101,291 14	
"	14.	" Do. do.	32,430 92	
"	21.	" Do. do.	14,898 86	
"	28.	" Do. do.	10,121 40	
"	31.	" amount of Receipts for month of March, 1840.....		158,742 32
April	4.	" do. to credit of the City for week ending this day, per Treasurer's return	\$124,106 16	
"	11.	" Do. do.	40,425 57	
"	18.	" Do. do.	45,314 21	
"	25.	" Do. do.	31,273 40	
"	30.	" Do. do. since 25th inst., per do. do.	33,353 77	
"	30.	" amount of Receipts for month of April, 1840		274,473 11
Amount of credits to City during quarter ending this day				\$1,305,371 28
E. E.			New York, 30th April, 1840.	

E.

CORNELIUS W. LAWRENCE, *City Treasurer*,

CR.

	Pay day issues of warrants.	Issues per month
1846.		
Feb'y 1. By amount of warrants issued but as yet not presented		
" 10. Do. do. drawn for this day's pay, Nos. 766 to 916, both inclusive	\$484,942 98	\$324,247 75
" 24. Do. do. do. do. do. 917 to 1,102, do. do. do.	221,059 86	
" 29. Do. do. do. do. for month of February		706,002 84
March 9. Do. do. do. do. for this day's pay, Nos. 1,103 to 1,184, both inclusive	\$59,266 83	
" 23. Do. do. do. do. do. 1,185 to 1,308, do. do. do.	51,645 13	
" 31. Do. do. do. do. for month of March		110,911 96
April 6. Do. do. do. do. for this day's pay, Nos. 1,309 to 1,392, both inclusive	\$54,115 96	
" 20. Do. do. do. do. do. 1,393 to 1,542, do. do. do.	77,800 85	
" 30. Do. do. do. do. for month of April		131,916 81
Amount of warrants paid at Bank for quarter ending this day		\$1,273,079 36
Amount of warrants outstanding this day		1,106,363 78
		\$166,715 58

E. E.

New York, 30th April, 1846.

F.

Warrants presented and paid at Bank.

1840.		Paid per week.	Paid per month.
Feb.	22. Amount of Warrants paid at bank since 31st Jan., 1840, per bank book..	\$565,335 78	
"	29. Do. do. for week ending this day, per bank book	180,542 27	
"	" Payment of Warrants at bank for month of February, 1840		\$745,878 05
March	7. Amount of Warrants paid at bank, for week ending this day, per bank book	135,156 69	
"	14. Do. do. do. do.	52,248 15	
"	21. Do. do. do. do.	13,658 91	
"	28. Do. do. do. do.	32,423 01	
"	31. Payment of Warrants at bank, for month of March, 1840.		233,486 76
April	4. Amount of Warrants paid at bank, for week ending this day, per bank book	6,550 23	
"	11. Do. do. do. do.	54,073 37	
"	18. Do. do. do. do.	11,395 10	
"	25. Do. do. do. do.	51,838 81	
"	30. Do. do. do. since 25th inst.	3,141 46	
"	" Payment of Warrants at bank, for month of April, 1840		126,998 97
"	" Do. do. do. for quarter ending this day	\$1,106,363 78	
"	" Balance in bank as per Treasurer's account current	199,007 50	
E. E.			\$1,305,371 28

NEW YORK, 30th April, 1840.

G.

STATEMENT

OF

Receipts of Interest on Bonds and Mortgages,

Which have been deposited to the Credit of "Interest on Fire Loan belonging to the Commissioners of the Sinking Fund," to meet payment of Interest on the Fire Loan Stock.

1840.

Feb.	1—	Balance in Bank this day	\$25,988	84
	13—	Deposited this day, as per bank book	2,931	25
	20—	Do. do. do. do. ..	1,392	50
March	4—	Do. do. do. do. ..	1,925	75
	14—	Do. do. do. do. ..	722	50
April	6—	Do. do. do. do. ..	749	00
	13—	Do. do. do. do. ..	935	00
	30—	Do. do. do. do. ..	3,394	53
			<hr/>	
			\$38,039	37
Less amount of check to pay for Interest on				
Fire Loan Stock, due May 1st			24,763	38
			<hr/>	
			\$13,275	99
<hr/>				

May 1, 1840.

W. H. DIKEMAN.

H.

The Corporation of the City of New York, in account current with Cornelius W. Lawrence, Treasurer.

<i>Dr.</i>		<i>Cr.</i>
To amount paid out on warrants from the 31st of January last to this day inclusive.....	\$1,106,363 78	
" Balance to new account	199,007 50	\$ 129,916 91
		1,175,454 37
	<u>\$1,305,371 28</u>	<u>\$1,305,371 28</u>
		By balance from old account..... \$199,007 50

A correct copy.
W. H. DIKEMAN. }

City Treasury, April 30th, 1840.

C. W. LAWRENCE, TREASURER.

The Commissioners of the Sinking Fund of the City of New York, in account current with Cornelius W. Lawrence, Treasurer.

<i>Dr.</i>		<i>Cr.</i>
To balance to new account	\$74,457 42	
		By balance in the hands of the Treasurer on the 31st of January last, as per account rendered \$12,531 91
		" Amount received by the Treasurer from that day to this inclusive..... 61,925 51
	<u>\$74,457 42</u>	<u>\$74,457 42</u>
		By balance from old account \$74,457 42

A correct copy.
W. H. DIKEMAN. }

City Treasury, April 30th, 1840.

C. W. LAWRENCE, TREASURER.

I.

BANK OF THE STATE OF NEW YORK, }
April 30th, 1840. }

I hereby certify, that after the close of business this day, a balance of *one hundred and ninety-nine thousand seven dollars and fifty cents* (\$199,007 50) is standing to the credit of the "City Treasurer" on the books of this bank—that a balance of *seventy-four thousand four hundred and fifty-seven dollars forty-two cents*, (\$74,457 42,) is standing to the credit of the "Commissioners of the Sinking Fund"—and that a balance of *thirteen thousand two hundred and seventy-five dollars ninety-nine cents*, (\$13,275 99,) is standing to the credit of "Interest on Fire Loan belonging to the Commissioners of the Sinking Fund."

R. WITHERS, *Cashier.*

A correct copy. }
W. H. DIKEMAN. }

K.

Dr. *Statement of Receipts and Disbursements in Comptroller's Office for May, 1840.* Cr.

1840.		1840.	
May	9. For amount received since 30th April, per entry in the Chamberlain's books \$197,303 31	May	1. By amount of warrants drawn for this day's pay, Nos. 1,543 to 1,609, both inclusive \$ 92,243 61
"	16. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	"	4. By amount of warrants drawn for this day's pay, Nos. 1,610 to 1,794, both inclusive
"	23. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	"	15. By amount of warrants drawn for this day's pay, Nos. 1,795 to 1,839, both inclusive
"	30. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	"	18. By amount of warrants drawn for this day's pay, Nos. 1,840 to 1,977, both inclusive
"	For excess of disbursements over receipts for month of May, 1840		67,969 09
			<hr/>
			\$407,838 00
E. E.		NEW YORK, JUNE, 1840.	

L.

Dr. *Statement of Receipts and Disbursements in Comptroller's Office for June, 1840.* Cr.

1840.	
June 6. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	\$360,523 24
" 13. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	181,762 00
" 20. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	174,933 65
" 27. For amount of receipts for week ending this day, as per entry in the Chamberlain's books	73,362 47
" " For excess of disbursements over receipts for month of June, 1840	339,315 84
	<u>\$1,129,897 20</u>
June 1. By amount of warrants drawn to pay bonds maturing this day, with interest, Nos. 1,978 to 4,233, both inclusive ..	\$423,998 37
" 1. By amount of warrants drawn for this day's pay, Nos. 4,234 to 4,428, both inclusive	311,425 59
" 15. By amount of warrants drawn for this day's pay, Nos. 4,429 to 4,525, both inclusive	88,551 78
" 29. By amount of warrants drawn for this day's pay, Nos. 4,526 to 4,770, both inclusive	305,921 46
	<u>\$1,129,897 20</u>

New York, JULY, 1840.

E. E.

M.

Dr. *Statement of Receipts and Disbursements in Comptroller's Office, for July.* Cr.

1840.		
July 4. For amount of Receipts for week ending this day, as per entry in the Chamberlain's books.....	\$105,440 40	
" 11. For amount of Receipts for week ending this day, as per entry in the Chamberlain's books.....	710,141 62	\$115,458 05
" 18. For amount of Receipts for week ending this day, as per entry in the Chamberlain's books.....	81,470 81	81,138 10
" 25. For amount of Receipts for week ending this day, as per entry in the Chamberlain's books.....	47,391 98	850,978 52
" 31. For amount of Receipts since 25th inst., per the Chamberlain's books.....	103,129 86	
	<u>\$1,047,574 67</u>	<u>\$1,047,574 67</u>

1840.

July 13. By amount of Warrants drawn for this day's pay, Nos. 4,771 to 4,926, both inclusive.....

\$115,458 05

" 27. By amount of Warrants drawn for this day's pay, Nos. 4,927 to 5,020, both inclusive.....

81,138 10

Aug 1. By excess of Receipts over Disbursements for month of July, 1840

850,978 52

N.

CORNELIUS W. LAWRENCE, *City Treasurer.*

Dr.

		Weekly Receipts.	Monthly Receipts.
1840.			
May 1.	For balance on hand this day to credit of City, as per former account ..		
" 9.	" amount of receipts to credit of City since 30th April.....	\$197,303 31	\$199,007 50
" 16.	" do. do. for week ending this day	63,147 22	
" 23.	" do. do. do.	37,497 61	
" 30.	" do. do. do.	65,664 07	
June 1.	" do. do. for month of May		363,612 21
" 6.	" do. do. for week ending this day	\$360,523 24	
" 13.	" do. do. do.	181,762 00	
" 20.	" do. do. do.	174,933 65	
" 27.	" do. do. do.	73,362 47	
July 1.	" do. do. for month of June.....		790,581 36
" 4.	" do. do. for week ending this day	\$105,440 40	
" 11.	" do. do. do.	710,141 62	
" 18.	" do. do. do.	81,470 81	
" 25.	" do. do. do.	47,391 98	
" 31.	" do. do. since 25th inst.	103,129 86	
Aug. 1.	" do. do. for month of July		1,047,574 67
	Amount of credits to City for quarter ending this day.....		\$2,400,775 74
	E. E.		
	NEW YORK, 31st July, 1840.		

O.

CORNELIUS W. LAWRENCE, *City Treasurer.*

Cr.

1840.					
May	1.	By amount of warrants issued, but not yet presented			\$166,715 58
"	"	Do. do. drawn for this day's pay, 1,543 to 1,609, both inclusive \$	92,243 61		
"	4.	do. do. do. 1,610 to 1,794, do.	64,010 30		
"	15.	do. do. do. 1,795 to 1,839, do.	183,615 00		
"	18.	do. do. do. 1,840 to 1,977, do.	67,969 09		
June	1.	Do. do. issued for month of May		407,838 00	
"	1.	do. drawn for bonds and int. 1,978 to 4,233, both inclusive	423,998 37		
"	1.	do. do. for this day's pay, 4,234 to 4,428, do.	311,425 59		
"	15.	do. do. do. 4,429 to 4,525, do.	88,551 78		
"	29.	do. do. do. 4,526 to 4,770, do.	305,921 46		
July	1.	do. do. issued for month of June		1,129,897 20	
"	13.	do. drawn for this day's pay, 4,771 to 4,926, both inclusive	115,458 05		
"	27.	do. do. do. 4,927 to 5,020, do.	81,138 10		
Aug.	1.	do. do. issued for month of July		196,596 15	
					<hr/> \$1,901,046 93

P.

Statement of Warrants presented and paid at Bank.

1840.				
May 9.	Amount of warrants paid at bank since 30th April.....	\$160,864	92	
" 16.	Do. do. since 9th May	136,651	74	
" 23.	Do. do. since 16th May	98,753	36	
" 30.	Do. do. since 23d May	42,555	50	
June 1.	Amount of payments at bank for month of May.....			\$438,825 52
" 6.	Amount of warrants paid at bank for week ending this day	\$371,388	10	
" 13.	Do. do. do.	292,404	39	
" 20.	Do. do. do.	56,029	74	
" 29.	Do. do. do. since 20th June.....	56,693	21	
July 1.	Amount of payments at bank for month of June			776,515 44
" 6.	Amount of warrants paid at bank since 29th June.....	\$233,781	51	
" 13.	Do. do. since 6th July	80,922	94	
" 20.	Do. do. since 13th July	90,488	76	
" 27.	Do. do. since 20th July	76,040	12	
" 31.	Do. do. since 27th July	45,635	58	
" 31.	Amount of payments at bank for month of July.....			526,868 91
	Amount of debits on City for quarter ending this day.....	\$1,742,209	87	\$1,742,209 87
	Balance in bank to credit of City this day.....			658,565 87
				<hr/>
				\$2,400,775 74

E. E.

NEW YORK, 31st July, 1840.

Q.

STATEMENT of receipts of Interest on Bonds and Mortgages, which have been deposited to the credit of "*Interest on Fire Loan belonging to the Commissioners of the Sinking Fund,*" to meet payment of Interest on the Fire Loan Stock.

1840.		
May 1.	Balance in bank this day.....	\$13,275 99
" 8.	Deposited this day, as per bank book..	3,253 66
" 9.	Do.....do.....do.....	1,524 25
" 19.	Do.....do.....do.....	1,503 25
" 27.	Do.....do.....do.....	568 64
June 4.	Do.....do.....do.....	6,292 14
" 11.	Do.....do.....do.....	1,307 00
" 13.	Do.....do.....do.....	630 47
" 15.	Do.....do.....do.....	70 00
" 19.	Do.....do.....do.....	724 50
" 20.	Do.....do.....do.....	3,927 50
" 24.	Do.....do.....do.....	192 50
" 26.	Do.....do.....do.....	800 00
" 29.	Do.....do.....do.....	210 00
July 2.	Do.....do.....do.....	937 34
" 3.	Do.....do.....do.....	107 52
" 20.	Do.....do.....do.....	1,426 50
" 31.	Do.....do.....do.....	276 00
		<hr/>
		\$37,027 26
	Less amount of check for surplus interest applied to redemption of Fire Loan Stock.....	} 3,225 78
		<hr/>
		\$33,801 48

August 1, 1840.

W. H. DIKEMAN.

R.
The Corporation of the City of New York, in account with C. W. Lawrence, Treasurer.

Dr.	Cr.
To amount paid by the Treasurer on warrants, from the 30th of April last to this day inclusive \$1,742,209 87	By balance in the hands of the Treasurer on the 30th of April last, as per account rendered. . . . \$ 199,007 50
To balance to new account 658,565 87	By amount received by the Treasurer from the 30th of April last, to and including this day, as per weekly returns 2,201,768 24
\$2,400,775 74	\$2,400,775 74
A true copy.	By balance from old account \$658,565 87
W. H. DIKEMAN.	<i>City Treasury, July 31st, 1840.</i> C. W. LAWRENCE, TREASURER.

5

*The Commissioners of the Sinking Fund of the City of New York, in account with C. W. Lawrence,
Treasurer.*

Dr.	Cr.
To amount paid by the Treasurer on warrant of June 6th, 1840 \$95,000 00	By balance in the hands of the Treasurer on the 30th of April last, as per account rendered \$74,457 42
To balance to new account 19,882 67	By amount received by the Treasurer from the 30th of April last, to and including this day, as per weekly returns 40,425 25
\$114,882 67	\$114,882 67
A true copy.	By balance from old account \$19,882 67
W. H. DIKEMAN.	<i>City Treasury, July 31st, 1840.</i> C. W. LAWRENCE, TREASURER.

S.

BANK OF THE STATE OF NEW YORK, }
August 1st, 1840. }

I hereby certify, that after the close of business on the afternoon of the 31st of July, a balance of *six hundred and fifty-eight thousand five hundred and sixty-five* 87-100 dollars, (\$658,565 87,) was standing to the credit of the "City Treasurer" on the books of this bank—that a balance of *nineteen thousand eight hundred and eighty-two* 67-100 dollars (\$19,882 67) was standing to the credit of the "Commissioners of the Sinking Fund"—and also that a balance of *thirty-three thousand eight hundred and one* 48-100 dollars (\$33,801 48) was standing to the credit of "Interest on Fire Loan belonging to the Commissioners of the Sinking Fund."

R. WITHERS, *Cashier.*

A true copy.

W. H. DIKEMAN.

T.

Amount of Moneys expended under the various Appropriations, Amount of Appropriations, and unexpended Balance of Appropriations :

	EXPENDITURES.		APPROPRIATIONS.		BALANCES.	
	n.	c.	n.	c.	d.	c.
Alms House	150,013	75	250,000	00	99,986	25
Board of Health	2,603	51	6,000	00	3,396	49
Bonds payable	800,250	00	1,423,460	00	623,210	00
Charges on Arrears of Assessments }	14,027	03	15,000	00	972	97
Charges on Arrears of Taxes	175	98	10,000	00	9,824	02
Charities	5,316	26	8,000	00	2,683	74
Cleaning Docks and Slips	3,536	78	25,000	00	21,463	22
Cleaning Streets	96,355	30	140,000	00	43,644	70
Commutation of Alien Passengers }	50	00	200	00	150	00
Contingencies	16,697	79	23,092	82	6,395	03
Coroner's Fees	3,597	25	5,000	00	1,402	75
Courts	20,029	60	35,000	00	14,970	40
Docks and Slips	37,690	74	60,000	00	22,309	26
Elections	3,594	54	7,000	00	3,405	46
Errors and Delinquencies	229	98	500	00	270	02
Fencing lots	1,015	04	2,000	00	984	96
Fencing Long Island Farms	1,601	40	1,601	40		
Fire Commissioners	2,000	00	4,000	00	2,000	00
Fire Loan	1,065	16				
Fire Department	50,961	81	53,000	00	2,038	19
House of Refuge	4,000	00	4,000	00		
House of Detention, Harlaem			500	00	500	00
Interest	69,121	51	150,000	00	80,878	49
Interest on Water Loan	136,239	89	340,000	00	203,760	11
Interest on opening and regulating Streets }	6,713	36	10,000	00	3,286	64
Intestate Estates	735	08	1,800	00	1,064	92
Justices' Courts	7,690	63	16,000	00	8,309	37
Lands and Places	7,526	96	13,000	00	5,473	04
Lamps and Gas	76,169	62	120,000	00	43,830	38
Levying tax	190	50	13,000	00	12,809	50
Liens on Lots	130	00	12,000	00	11,870	00
Markets	7,976	52	24,000	00	16,023	48
Mayoralty Fees			100	00	100	00
Penalties	1,500	00	3,000	00	1,500	00
Police	21,062	71	33,000	00	11,937	29
Amounts carried over	1,549,868	70	4,809,254	22	1,260,440	68

	EXPENDI- TURES.		APPROPRIA- TIONS.		BALANCES.	
	D.	C.	D.	C.	D.	C.
Amounts brought over...	1,549,868	70	4,809,254	22	1,260,440	68
Printing and Stationery.....	14,625	52	24,000	00	9,374	48
Public Reservoir	4,560	26	5,000	00	439	74
Public Schools	93,781	07	95,500	00	1,718	93
Regulating and paving Streets	184,732	61	225,000	00	40,267	39
Repairs and Supplies.....	12,485	58	16,000	00	3,514	42
Real Estate.....			1,500	00	1,500	00
Roads and Avenues	66,005	75	70,000	00	3,994	25
Salaries.....	31,113	02	55,000	00	23,886	98
Street Expenses.....	19,790	38	50,000	00	30,209	62
Streets opening	182,292	19	270,000	00	82,848	81
Do. do.	4,859	00				
Tavern and Excise Licenses..	426	00	1,500	00	1,074	00
Tax Collectors' Commissions	472	35	500	00	27	65
Water Loan Expenses	1,833	31				
Water Commissioners	725,095	25	2,300,000	00	1,573,071	44
Water Pipes.....	80,593	02	160,000	00	79,406	98
Watch	139,774	89	234,000	00	94,225	12
Wells and Pumps	7,661	78	18,000	00	10,338	22
Market at Harlaem			1,500	00	1,500	00
	3,119,970	67	6,336,754	22	3,217,838	71

ADDRESS

OF THE

Common Council of the City of New York,

To the People of the State,

ON THE SUBJECT

OF

MUNICIPAL GRIEVANCES.

**ADOPTED BY THE BOARDS OF ALDERMEN AND
ASSISTANT ALDERMEN,**

AND APPROVED BY THE MAYOR.

September 22, 1840.

NEW YORK:

BRYANT AND HOGGS, PRINTERS.

DOCUMENT No. 17.

BOARD OF ALDERMEN,

SEPTEMBER 21, 1840.

ALDERMAN JOSIAH RICH, *Chairman of the Joint Special Committee, appointed to prepare an address to the people of the State, on the subject of our Municipal Grievances, presented the following report thereon, which was*

Adopted by the Board of Aldermen and Board of Assistant Aldermen, Sept. 21, 1840, and

Approved by the Mayor, Sept. 22, 1840.

SAMUEL J. WILLIS, CLERK.

FELLOW CITIZENS:

The Common Council of the City of New York, conceiving that the constitutional rights of their constituents have been grossly outraged by acts of state legislation, which divest them of municipal franchises, secured to them by their City Charter, as confirmed, and guaranteed by the State Constitution; and confiding in the intelligence and justice of the people, who are the source of legislative power; have determined to address the inhabitants of the State, in the attitude of petitioners for a redress of grievances. We rejoice that in the novel position which we thus assume, as a legislative body, we do not place ourselves in a humiliating atti-

tude, before the throne of a despot, who has no sympathies in common with us; but we address a tribunal established on the immutable principles of justice, and on which **THE PEOPLE** reign in undivided sovereignty.

The principle upon which our government is founded recognises the right of every people to make their own laws. All our national and state legislation has heretofore been conducted upon that principle, and it is believed that no former instance can be found in the history of our country, under its present form of government, where laws have been passed by a State Legislature, having an exclusively local operation, without the consent of the community immediately interested. The single exception presented by the late session of our own State Legislature, stands out therefore in broad contrast to the ordinary course of republican government, an unparalleled specimen of an illiberal spirit, and an unenlightened policy. Our public servants at Albany seemed to have taken our city under their special guardianship, and enacted laws having a vital influence upon our exclusively local affairs, not only without our consent, but in direct violation of the terms of the compact under which we recognise the sovereignty of our State, and in open defiance of our will, clearly and unequivocally expressed, in all the various forms of petition, remonstrance and appeal. The two higher branches of our government partook more largely of this spirit than was exhibited by the more popular branch, which will be seen by the following brief enumeration of our grievances: 1st—The bench of justice in our city was deprived of two of its brightest ornaments and most faithful incumbents, (Judges Scott and Schicffelin,) by an unprecedented exercise of Executive caprice, upon the mere ex parte representation of an unnamed partizan letter writer, contrary to the spirit of our constitution, and to long established principles. 2d—The form of a law actually passed through the Senate which was designed to deprive our city of all control over its own fire department, and to place the pro-

perty of our citizens at the mercy of a Board of Commissioners, appointed at Albany, without our advice or consent, with ample powers to subject our warehouses and dwellings to the fury of the devouring element, if we should chance to become the objects of their caprice or ill will: this unparalleled act of unmitigated despotism was happily arrested in the other house, but we escaped its terrible infliction by a bare majority. 3d—A law was actually passed which was designed to divest the members of the Board of Aldermen of their most important function—that of municipal Magistrates; to thrust them from the judicial bench which they have occupied for over a century and a half, and to fill their places with men whose only qualification is an Executive appointment, although by the terms of the constitution, that office is made ELECTIVE BY THE PEOPLE. 4th—That law as it originally passed the Senate, contemplated the appointment by the Executive of a horde of mercenaries in our Police Department, who might protect or plunder our property at pleasure, without accountability to the constituted authorities of our city. The last named provision of that law was defeated in the Assembly by a very small majority, but the first and most odious feature is now in operation; and although the ground upon which it was alleged to be necessary, has been declared untenable by the unanimous decision of the Supreme Court of the State, yet the bench of justice continues to be encumbered by the presence of Executive partizans, who possess no constitutional qualifications for the station, and who are an entirely useless and needlessly expensive burthen to the course of justice. We might speak of the inconveniences and indignities to which we have been personally subjected by a writ of *quo warranto*, summoning us to appear at Utica, to answer to the insulting charge of “intruding” into the bench of the Court of Sessions, which our City Aldermen have occupied ever since the year 1686, in the exercise of a function of their office, deemed neces-

sary by the unanimous decision of the Supreme Court, sustaining their claim. But our object is not to detail personal grievances. We come before you as the representatives of a community whose rights have been wantonly assailed, to enlist your sympathies in their behalf, and not in our own.

In justice to the confidence which they have reposed in us, we will not omit to mention the attack upon the elective franchise, which was perpetrated by the enactment of what is called a Registry Law. The broad distinction which that law makes between our own citizens and those of other parts of the State, is a libel upon our community; but we will not waste words to defend our character from the reproach which it implies: we found our claim to your sympathies upon the broad principles of justice; and we therefore confine ourselves to an enumeration of our wrongs, and an assertion of our rights, trusting to our conduct for a vindication of our character. The Registry Law is the 5th of the series of encroachments upon the rights of our city, which distinguished the last session of the State Legislature. The Constitution of our State distinctly prescribes the qualifications of voters, and limits the power of the Legislature over those rights so as to prevent the exclusion from the privilege of voting of any qualified citizen, unless he shall have been convicted of crime by the judgment of his peers; but that law prescribes new qualifications for electors, unknown to the Constitution; subjects voters who are poor, and consequently not well known, to useless, burdensome and vexatious hindrances; and authorizes the Commissioners of Registry to exclude from the right of suffrage, men who possess all the constitutional requisitions, and who have not been convicted of crime.

Fellow citizens, we have thus enumerated, as briefly as language would admit, some of the grievances and inconveniences to which our city has been subjected. We have shown you that the ermine of Justice has been tainted by

the foul touch of political proscription. The elective franchise has been endangered by a reckless and arbitrary innovation, which is more likely to cover than to prevent fraud, and which will probably add twenty to thirty thousand dollars to the annual expense of our elections. A criminal tribunal has been constituted in our city, which has no legal jurisdiction; thus rendering every criminal conviction, however just, a trespass upon the private rights of the accused. Our municipal Magistrates, elected by the people, have been subjected to the necessity of a resort to a high judicial tribunal, to protect their franchise from destruction. If the other blows aimed at our municipal rights by the Senate and Executive had not been accidentally averted, our local legislation would have become a solemn mockery; our Fire Department, an object of terror to our citizens; our Police Department, in all probability, the nucleus of banditti; the necessary functions of our municipal government would have been transferred to the Capital of the State, and our city would, very probably, have been made a common hospital for political mendicants. Such, fellow citizens, have been the fruits of the spirit which have characterized your representatives. We will not do you the injustice to suppose that they have acted in accordance with your will, but we feel persuaded that a silent acquiescence on our part, in such grievous and burdensome inflictions, would encourage still further aggressions, until we should be subjected to as long a catalogue of wrongs as are enumerated in the Declaration of Independence, and dissolved the ties of allegiance which bound our fathers to the mother country. We confidently appeal to you, fellow citizens, because we believe that you are possessed of the same spirit which animated them, and in order that you may realize that the same blood flows also in our veins. By the common ties which bind man to man, by the common sympathies which unite citizen to citizen, we beseech you to interpose your power for our deliverance. We do not deem our reflections unnecessarily harsh, though we

confess that it is less difficult to find language expressive of our indignation, than it is to make known our feelings in terms of becoming moderation: but we confidently rely upon your sympathy as men united with us in one common destiny, and susceptible of the same emotions under similar afflictions. We feel that we are an injured, suffering, and insulted people, and we know that we cannot reasonably expect your interference in our behalf until you have been made acquainted with our wrongs. All that we solicit is, that you would so instruct your future representatives, that they will restore to us the rights and privileges which you enjoy, and that they will hereafter leave undisturbed our portion of the common inheritance, which was bequeathed to you and to us by our fathers.

JOSIAH RICH,
PETER COOPER,
WILLIAM CHAMBERLAIN,
ELIAS L. SMITH,
ELIJAH F. PURDY,

Committee Board of Aldermen.

MOSES G. LEONARD,
BENTON W. HALSEY,
DANIEL WARD,
WM. L. WOOD,
SAMUEL BRADHURST,

Committee Board of Assistants.

DOCUMENT No. 18.

BOARD OF ALDERMEN,

JUNE 29, 1840.

The following Communication was received from His Honor the Mayor, stating his Objections to the Resolution accompanying the annexed report. Laid on the table.

SAMUEL J. WILLIS, CLERK.

MAYOR'S OFFICE, }
NEW YORK, JUNE 29, 1840. }

GENTLEMEN OF THE BOARD OF ALDERMEN:

I return the accompanying resolution, which originated in your Board, proposing to dispense with the erection of three bridges at Clendening Valley, and to fill up the same with solid masonry, for the purpose of reducing the expense of constructing the aqueduct about thirty thousand dollars.

It does not appear from the report of the Committee, or the resolution, at what streets the bridges are to be erected; but I am satisfied that it is not prudent, in the construction of this aqueduct, to adopt any course which is not warranted by law.

My objections to the proposed measure are:—

FIRST. That the amount to be paid to the contractors, for the alterations in their contracts in this respect, must be heavy, and is unknown; and such an alteration should not be adopted, unless upon a full statement of the amount to

be paid for damages to the contractors in consequence of the same.

SECOND. That the alteration proposed effectually closes the streets crossing the avenue at those places, and if hereafter it should be thought proper to open either of those streets, the obstructions in the aqueduct must be removed, or an Act of the Legislature must be obtained authorizing the closing of the same. Such a measure is of too uncertain a character to justify an alteration of the plan in the measure proposed, and thereby to risk, even the possibility of being compelled, at some future period, to take down a portion of the aqueduct, and interrupt, for a time, the supply of water to the city.

THIRD. The resolution contemplates obtaining the consent of the owners of the adjoining property to the proposed measure; but it appears to me that all persons owning property on the streets, whether adjoining the aqueduct or not, have an equal right to be consulted; and if any damages are to be paid, have an equal right of compensation with the contractors and adjoining owners; and if so, then a large amount must be paid to others, upon the line of those streets, who are also injured, by having them closed; and the result may be a loss, instead of a gain to the city.

FOURTH. It is, moreover, extremely doubtful whether a mere consent, on the part of the present owners, would be sufficient to prevent the opening of the streets at some future period. These streets form a part of the plan of the city, as now established by law; and, in my opinion, nothing short of a law of the State could effectually alter that plan, so as absolutely to prevent the opening of streets already provided for.

For these reasons I have thought proper to withhold my assent to this resolution; and I have done so with less hesitation, because I know, that if I am incorrect in my views, a majority of the Common Council can still pass the resolution, after a reconsideration of the subject.

ISAAC L. VARIAN.

The Committee on the Croton Aqueduct, beg leave respectfully to

REPORT:

That their attention has been called to consider the propriety of dispensing with three of the six bridges that were directed to be made for the passage of streets, under the aqueduct, through what is now known as Clendening Valley. Contracts have already been made for the same, and three of the bridges are so far advanced that their completion will be attended with but little greater expense than to fill their places with solid mason work; the other three, being just commenced, are in such a state that it is ascertained that the difference between completing them with arches instead of solid mason work will be fifty-two thousand dollars.

It is represented to your Committee, that contracts have been made for the building of these bridges, and that the awards of damages have been made in reference to the completion of the same; and that it is probable that a considerable sum will be required to compromise and settle the claims of contractors, and owners of the adjoining property, who may think that it will be to their interest to have arches made as frequently as the distance of every two hundred feet.

Your Committee, after having given the subject their mature consideration, are of the opinion that solid mason work is much safer, and less likely to crack the lining of cement, than open arches, where the action of heat and cold will constantly expand and contract them in a greater degree, and in such an unequal manner, as to render it difficult, in the opinion of your Committee, to prevent them from leaking. Your Committee therefore recommend that solid mason work be adopted in all cases where the same is conveniently practicable.

Your Committee have taken into consideration that the distances from one avenue to the other are from seven hun-

dred to a thousand feet, and that when the bridges are dispensed with, the distance from one open street to the other will not exceed seven hundred and sixty feet; the Ninth avenue, being in line with the aqueduct, at a distance of only one hundred and ten feet from the same, furnishes at all times a convenient passage from one open street to the other.

Your Committee, deeply impressed with the great importance of economy in every department of the City Government, finding that a saving of upwards of thirty thousand dollars can be made in the present outlay, and at the same time complete the work in a more substantial and durable manner than it can possibly be done by suspending it upon arches, deem it their duty not only to take into consideration the first outlay, but also that the interest on the same, at the rate the Corporation is now compelled to borrow money, will amount, in the course of fifty years, to five hundred and fifty two thousand six hundred and four dollars.

Your Committee would therefore offer the following resolution:

Resolved, That it is the opinion of this Common Council that the three bridges alluded to in this report, at Clendening Valley, should be dispensed with, and their places filled with solid mason work; providing the same can be done with the consent and approbation of all the present contractors and owners of the adjoining property; and make a saving to the city, as proposed by the Water Commissioners, of not less than thirty thousand dollars.

PETER COOPER,
WILLIAM CHAMBERLAIN,
SAMUEL NICHOLS,
MOSES G. LEONARD,
WILLIAM L. WOOD.

DOCUMENT No. 19.

BOARD OF ALDERMEN,

SEPTEMBER 21, 1840.

The petition of the Catholics of the City of New York, relative to the distribution of the School Fund, was presented, and, upon a resolution presented by Alderman Chamberlain, ordered to be printed and referred to a Select Committee, consisting of Aldermen Chamberlain, Graham and Jarvis.

SAMUEL J. WILLIS, CLERK.

**To the Hon. the Board of Aldermen of the City
of New York.**

**THE PETITION OF THE CATHOLICS OF NEW YORK
RESPECTFULLY REPRESENTS :**

That your petitioners yield to no class in their performance of, and disposition to perform, all the duties of citizens. They bear, and are willing to bear, their portion of every common burthen; and feel themselves entitled to a participation in every common benefit.

This participation, they regret to say, has been denied them for years back, in reference to common school education in the City of New York, except on conditions with which

their conscience, and, as they believe, their duty to God, did not, and does not leave them at liberty to comply.

The rights of conscience, in this country, are held by both the Constitution, and universal consent, to be sacred and inviolable. No stronger evidence of this need be adduced than the fact, that one class of citizens are exempted from the duty or obligation of defending their country against any invading foe, out of delicacy and deference to the rights of conscience which forbids them to take up arms for any purpose.

Your petitioners only claim the benefit of this principle, in regard to the public education of their children. They regard the public education which the state has provided as a common benefit, in which they are most desirous, and feel that they are entitled to participate; and therefore they pray your Honorable Body that they may be permitted to do so, without violating their conscience.

But your petitioners do not ask that this prayer be granted without assigning their reasons for preferring it.

In ordinary cases men are not required to assign the motives of conscientious scruples in matters of this kind. But your petitioners are aware that a large, wealthy, and concentrated influence is directed against their claim by the Corporation called the Public School Society. And that this influence, acting on a public opinion already but too much predisposed to judge unfavorably of the claims of your petitioners, requires to be met by facts which justify them in thus appealing to your Honorable Body, and which may, at the same time, convey a more correct impression to the public mind. Your petitioners adopt this course the more willingly, because the justice, and impartiality which distinguish the decisions of public men, in this country, inspire them with the confidence that your Honorable Body will maintain, in their regard, the principle of the rights of conscience, if it can be done without violating the rights of others, and on no other condition is the claim solicited.

It is not deemed necessary to trouble your Honorable Body,

with a detail of the circumstances by which the monopoly of the public education of children in the City of New York, and of the funds provided for that purpose at the expense of the State, have passed into the hands of a private corporation, styled in its Act of Charter, "The Public School Society of the City of New York." It is composed of men of different sects or denominations. But that denomination, Friends, which is believed to have the controlling influence, both by its numbers and otherwise, holds as a peculiar *sectarian principle* that any formal or official teaching of religion is, at best, unprofitable. And your petitioners have discovered that such of *their* children as have attended the public schools, are generally, and at an early age, imbued with the same principle—that they become untractable, disobedient, and even contemptuous towards their parents—unwilling to learn any thing of religion—as if they had become illuminated, and could receive all the knowledge of religion necessary for them by instinct or inspiration. Your petitioners do not pretend to assign the cause of this change in their children, they only attest the fact, as resulting from their attendance at the public schools of the Public School Society.

This society, however, is composed of gentlemen of various sects, including even one or two Catholics. But they profess to exclude all sectarianism from their schools. If they do not exclude sectarianism, they are avowedly no more entitled to the school funds than your petitioners, or any other denomination of professing Christians. If they do, as they profess, exclude sectarianism, then your petitioners contend that they exclude Christianity—and leave to the advantage of infidelity the tendencies which are given to the minds of youth by the influence of this feature and pretension of their system.

If they could accomplish what they profess, other denominations would join your petitioners in remonstrating against their schools. But they do not accomplish it. Your petitioners will show your Honorable Body that they do admit

what Catholics call sectarianism, (although others may call it only religion,) in a great variety of ways.

In their 22d report, as far back as the year 1827, they tell us, page 14, that they "*are aware of the importance of early RELIGIOUS INSTRUCTION,*" and that none but what is "*exclusively general and scriptural in its character should be introduced into the schools under their charge.*" Here, then, is their own testimony that they did introduce and authorize "religious instruction" in their schools. And that they solved, with the utmost composure, the difficult question on which the sects disagree, by determining *what kind of "religious instruction"* is "*exclusively general and scriptural in its character*" Neither could they impart this "early religious instruction" themselves. They must have left it to their teachers—and these, armed with official influence, could impress those "early religious instructions" on the susceptible minds of the children, with the authority of dictators.

The Public School Society, in their report for the year 1832, page 10, describe the effect of these "early religious instructions," without, perhaps, intending to do so; but yet precisely as your petitioners have witnessed it, in such of their children as attended those schools. "*The age at which children are usually sent to school affords a much better opportunity to mould their minds to peculiar and exclusive forms of faith than any subsequent period of life.*" In page 11, of the same report, they protest against the injustice of supporting "religion in any shape" by public money; as if the "early religious instruction" which they had themselves authorized in their schools, five years before, was not "religion in some shape," and was not supported by public taxation. They tell us again, in more guarded language, "*The Trustees are deeply impressed with the importance of imbuing the youthful mind with religious impressions, and they have endeavored to attain this object, as far as*

the nature of the institution will admit." Report of 1837, page 7.

In their 33d Annual Report they tell us, that "*they would not be understood as regarding religious impressions in early youth as unimportant; on the contrary, they desire to do all which may with propriety be done, to give a right direction to the minds of the children entrusted to their care. Their schools are uniformly opened with the reading of the Scriptures, and the class books are such as recognise and enforce the great and generally acknowledged principles of Christianity.*" Page 7.

In their 34th Annual Report, for the year 1839, they pay a high compliment to a deceased teacher for "*the moral and RELIGIOUS influence exerted by her over the three hundred girls daily attending her school,*" and tell us that *it could not but have had a lasting effect on many of their susceptible minds.*" Page 7. And yet in all these "early religious instructions, religious impressions, and religious influence," essentially anti-catholic, your petitioners are to see nothing sectarian; but if in giving the education which the State requires, they were to bring the same influences to bear on the "susceptible minds" of their *own* children, in favor, and not against, their *own* religion, then this society contends that it would be sectarian!!

Your petitioners regret that there is no means of ascertaining to what extent the teachers in the schools of this society carried out the views of their principals on the importance of conveying "early religious instructions" to the "susceptible minds" of their children. But they believe it is in their power to prove, that, in some instances, the Scriptures have been explained, as well as read to the pupils.

Even the reading of the Scriptures in those schools your petitioners cannot regard otherwise than as sectarian; because Protestants would certainly consider as such the introduction of the Catholic Scriptures, which are different from

theirs ; and the Catholics have the same ground of objection when the Protestant version is made use of.

Your petitioners have to state further, as grounds of their conscientious objections to those schools, that many of the selections in their elementary reading lessons contain matter prejudicial to the Catholic name and character. The term "POPERY" is repeatedly found in them. This term is known and employed as one of insult and contempt towards the Catholic religion, and it passes into the minds of children with the feeling of which it is the outward expression. Both the historical and religious portions of the reading lessons are selected from Protestant writers, whose prejudices against the Catholic religion render them unworthy of confidence in the mind of your petitioners, at least so far as their own children are concerned.

The Public School Society have heretofore denied that their books contained any thing reasonably objectionable to Catholics. Proofs of the contrary could be multiplied, but it is unnecessary, as they have recently retracted their denial, and discovered, after fifteen years enjoyment of their monopoly, that their books do contain objectionable passages. But they allege that they have proffered repeatedly to make such corrections as the Catholic Clergy might require. Your petitioners conceive that such a proposal could not be carried into effect by the Public School Society without giving just ground for exception to other denominations. Neither can they see with what consistency that society can insist, as it has done, on the perpetuation of its monopoly, when the Trustees thus avow their incompetency to present unexceptionable books, without the aid of the Catholic, or any other Clergy. They allege, indeed, that with the best intentions they have been unable to ascertain the passages which might be offensive to Catholics. With their intentions, your petitioners cannot enter into any question. Nevertheless, they submit to your Honorable Body, that this society is eminently incompetent to the superintendence of public educa-

tion, if they could not see that the following passage was unfit for the public schools, and especially unfit to be placed in the hands of Catholic children :

They will quote the passage as one instance, taken from Putnam's Sequel, page 296 :

"HUSS, JOHN, a zealous reformer from Popery, who lived in Bohemia, towards the close of the fourteenth, and beginning of the fifteenth centuries. He was bold and persevering; but at length, trusting himself to the deceitful Catholics, he was by them brought to trial, condemned as a heretic, and burnt at the stake."

The Public School Society may be excused for not knowing the historical inaccuracies of this passage; but surely assistance of the Catholic Clergy could not have been necessary to an understanding of the words "deceitful," as applied to all who profess the religion of your petitioners.

For these reasons, and others of the same kind, your petitioners cannot, in conscience, and consistently with their sense of duty to God, and to their offspring, entrust the Public School Society with the office of giving "a right direction to the minds of their children." And yet this society claims that office, and claims for the discharge of it the Common School Funds, to which your petitioners, in common with other citizens are contributors. In so far as they are contributors, they are not only deprived of any benefit in return, but their money is employed to the damage and detriment of their religion, in the minds of their own children, and of the rising generation of the community at large. The contest is between the *guaranteed* rights, civil and religious, of the citizen on the one hand, and the pretensions of the Public School Society on the other: and whilst it has been silently going on for years, your petitioners would call the attention of your Honorable Body to its consequences on that class for whom the benefits of public education are most essential—the children of the poor.

This class (your petitioners speak only so far as relates to their own denomination) after a brief experience of the

schools of the Public School Society, naturally and deservedly withdrew all confidence from it. Hence the establishment by your petitioners of schools for the education of the poor. The expense necessary for this, was a second taxation, required, not by the laws of the land, but by the no less imperious demands of their conscience.

They were reduced to the alternative of seeing their children growing up in entire ignorance, or else taxing themselves anew for private schools, whilst the funds provided for education, and contributed in part by themselves, were given over to the Public School Society, and by them employed as has been stated above.

Now your petitioners respectfully submit, that without this confidence, no body of men can discharge the duties of education as intended by the State, and required by the people. The Public School Society are, and have been at all times, conscious that they had not the confidence of the poor. In their twenty-eighth report, they appeal to the ladies of New York to create or procure it, by the "persuasive eloquence of female kindness;" page 5. And from this they pass, on the next page, to the more efficient eloquence of coercion under penalties and privations to be visited on all persons "whether emigrants or otherwise," who being in the circumstances of poverty referred to, should not send their children to some "public or other daily school." In their twenty-seventh report, pages 15 and 16, they plead for the doctrine, and recommend it to public favor by the circumstance that it will affect but "few natives." But why should it be necessary at all, if they possessed that confidence of the poor, without which they need never hope to succeed. So well are they convinced of this, that no longer ago than last year, they gave up all hope of inspiring it, and loudly call for coercion by "*the strong arm of the civil power*" to supply its deficiency. Your petitioners will close this part of their statement with the expression of their surprise and regret that gentlemen who are themselves indebted much to the respect

which is properly cherished for the rights of conscience, should be so unmindful of the same rights in the case of your petitioners. Many of them are by religious principle so pacific that they would not take up arms in the defence of the liberties of their country, though she should call them to her aid ; and yet, they do not hesitate to invoke the "strong arm of the civil power" for the purpose of abridging the private liberties of their fellow citizens, who may feel equally conscientious.

Your petitioners have to deplore, as a consequence of this state of things, the ignorance and vice to which hundreds, nay thousands of their children are exposed. They have to regret, also, that the education which they can provide, under the disadvantages to which they have been subjected, is not as efficient as it should be. But should your Honorable Body be pleased to designate their schools as entitled to receive a just proportion of the public funds which belong to your petitioners in common with other citizens, their schools could be improved for those who attend, others now growing up in ignorance could be received, and the ends of the Legislature could be accomplished—a result which is manifestly hopeless under the present system.

Your petitioners will now invite the attention of your Honorable Body to the objections and misrepresentations that have been urged by the Public School Society to granting the claim of your petitioners. It is urged by them that it would be appropriating money raised by general taxation to the support of the Catholic religion. Your petitioners join issue with them, and declare unhesitatingly, that if this objection can be established the claim shall be forthwith abandoned. It is objected that though we are taxed as citizens, we apply for the benefits of education as "Catholics." Your petitioners, to remove this difficulty, beg to be considered in their application in the identical capacity in which they are taxed—viz. : as citizens of the commonwealth. It has been

contended by the Public School Society, that the law disqualifies schools which admit any profession of religion, from receiving any encouragements from the school fund. Your petitioners have two solutions for this pretended difficulty. 1. Your petitioners are unable to discover any such disqualification in the law, which merely delegates to your Honorable Body the authority and discretion of determining what schools or societies shall be entitled to its bounty. 2. Your petitioners are willing to fulfil the conditions of the law so far as religious teaching is proscribed during school hours. In fine your petitioners, to remove all objections, are willing that the material organization of their schools, and the disbursements of the funds allowed for them, shall be conducted, and made, by persons unconnected with the religion of your petitioners, even the Public School Society, if it should please your Honorable Body to appoint them for that purpose. The public may then be assured that the money will not be applied to the support of the Catholic religion.

It is deemed necessary by your petitioners to save the Public School Society the necessity of future misconception, thus to state the things which are *not* petitioned for. The members of that society, who have shown themselves so impressed with the importance of conveying *their* notions of "early religious instruction" to the "susceptible minds" of Catholic children, can have no objection that the parents of the children, and teachers in whom the parents have confidence, should do the same, provided no law is violated thereby, and no disposition evinced to bring the children of other denominations within its influence.

Your petitioners, therefore, pray that your Honorable Body will be pleased to designate, as among the schools entitled to participate in the Common School Fund, upon complying with the requirements of the law, and the ordinances of the Corporation of the City—or for such other relief as to your Honorable Body shall seem meet—St. Patrick's School, St. Peter's School, St. Mary's School, St. Joseph's School, St.

James' School, St. Nicholas' School, Transfiguration Church School, and St. John's School.

And your petitioners further request, in the event of your Honorable Body's determining to hear your petitioners, on the subject of their petition, that such time may be appointed as may be most agreeable to your Honorable Body, and that a full session of your Honorable Board be convened for that purpose.

And your petitioners, &c.

THOMAS O'CONNOR,
Chairman,

GREGORY DILLON,
ANDREW CARRIGAN,
PETER DUFFY,

Vice Chairmen,

B. O'CONNOR,
JAMES KELLY,
J. McLoughlin,

Secretaries,

} Of a general
meeting of the
Catholics of the
City of N. York,
convened in the
school room of St.
James' Church,
21st September,
1840.



DOCUMENT No. 20.

BOARD OF ALDERMEN,

OCTOBER 19, 1840.

Memorial and Remonstrance of the Trustees of the Public School Society against the application of the Catholics, relative to the School Fund.

SAML. J. WILLIS, CLERK.

*To the Hon. the Board of Aldermen
of the City of New York:*

The Memorial and Remonstrance of the Trustees of the Public School Society of

NEW YORK,

RESPECTFULLY REPRESENTS:

That your memorialists learn that a petition from the Roman Catholics of this city is now before your honorable body, in which they again ask for a portion of the school money in aid of the schools under their charge. After the late unanimous decision of one branch of the Municipal Government, in which the other was supposed tacitly to unite, adverse to several petitions of the same kind from Religious Societies, it is unex-

pected to your remonstrants, to be so soon placed in a position which, in their opinion, renders it necessary to oppose the application of a large and influential body of their fellow citizens. But until the confidence which has been so long reposed in them by the City Government and the public generally, is withdrawn, they feel it to be an imperious, though an unpleasant duty, to remonstrate against what they deem a dangerous application of funds raised for the promotion of common and general education.

The subject has, however, been so fully elucidated and ably argued, in documents now among the public records, that your remonstrants cannot hope to shed any additional light upon it. They therefore beg leave to refer your honorable body to Document No. 80, of the late Board of Assistant Aldermen, as containing the reasons on which your remonstrants would rely, in opposing the applications of religious societies for a portion of the school fund. It is believed that no decision of the City Government ever met with a more general and cordial response in the public mind. And as the Roman Catholics very recently issued an address to the people of this city and state, urging at large their reasons for a separate appropriation of school money, to which your remonstrants have replied, they now present copies of said Documents, which they respectfully submit to your honorable body, as containing matter relevant to the question under consideration.

The petition of the Roman Catholics now pending presents, nevertheless, some points which your remonstrants feel called upon to notice.

By a misapprehension of the Law in relation to persons who are conscientiously opposed to bearing arms, which is applicable to persons of every religious persuasion, they attempt to adduce an argument in favor of the prayer of their petition, and say, that they only claim the benefit of the same principle in regard to the education of their children. Now the facts are, that the law imposes a fine, or tax as an equiva-

lent for personal military service, and in the event of there being no property on which to levy, subjects such persons to imprisonment, and numbers are every year actually confined in the jails of this State.

With the religious opinions of the denomination of christians referred to, your remonstrants have nothing to do. In opposing the claims of the Roman Catholic, and several other churches, to the school money, they have confined their remarks to broad general grounds, alike applicable to all; but the petitioners have seen fit to single out a religious society by name, and intimate or indirectly assert, not only that their peculiar religious views lead to insubordination and contempt of parental authority, but that the Trustees of the Public Schools, who are of this denomination, by reason of their numbers or the "controlling influence" they exert, have introduced the "same principle" into the public schools, and that their effects are manifested in the conduct of the Catholic children who have attended them. Your remonstrants feel bound, therefore, in reply to state, that of the one hundred citizens who compose the board of Trustees, there are only twelve of the denomination thus traduced, and of these six or seven accepted the situation by solicitation of the Board, for the purpose of superintending the management of the colored schools, to which object they have almost exclusively confined themselves;—of the motive that induced this extraordinary portion of the petition, your remonstrants will not trust themselves to speak,—of so much of it as conveys an idea, that the Trustees who are of this religious persuasion, introduce or attempt to introduce into the public schools their own peculiar opinions; they can only say that no one of the numerous and serious charges brought against your remonstrants by the petitioners, is more entirely destitute of foundation in fact. If a disposition existed in any quarter to give a sectarian bias to the minds of the children, it will readily be seen, that the most successful method would be through the selection of teachers.

In one of the Documents now submitted to your honorable body, it is stated, that in appointing teachers, no regard is had by the Trustees to the religious profession of the candidates, and that six or seven of the present number are Roman Catholics. From an enquiry now made it is found that only two of the teachers belong to the society of "Friends."

It will thus be seen that the charge made in the petition of the Roman Catholics, that such of their children as have attended the public schools, are generally, and at an early age, imbrued with a principle, which they impute to a portion of the Trustees, falls to the ground, and is proved to be as unfounded, as it is illiberal and ungenerous.

It is with regret that your remonstrants find themselves under the painful necessity, of saying, that the petition of the Catholics contains garbled extracts and detached portions of some parts of their annual reports in relation to religious instruction, and so arranged and commented upon, as to convey a meaning directly opposite to the one intended and clearly expressed in the original documents.

The same means are resorted to in quoting the language of the Trustees when urging the importance of using measures, for inducing the poor to have their children educated. On different occasions, your remonstrants have suggested to the Common Council, the expediency of requiring, by legal enactment, the attendance at some "public or other daily school," of the numerous "vagrant children who roam about our streets and wharves, begging and pilfering," and this is tortured in the Catholic petition into a desire of "abridging the private liberties of their fellow citizens," and an acknowledgment, on the part of the Trustees, "that they had not the confidence of the poor."

The records of the schools will demonstrate that the industrious and respectable portions of the laboring classes repose entire confidence in the public school system and its managers.

The subject of objectionable matter in the books used in

the public schools, is so fully discussed in the papers now submitted to your honorable body, that little more would seem to be called for under this head. Finding their strenuous and long-continued efforts to induce the Catholic clergy to unite in an expurgation of the books unavailing, the Trustees commenced the work without them, and it is now nearly completed. If any thing remains, to which the petitioners can take exception, no censure can, by possibility, attach to your remonstrants; and the Trustees assert with confidence, that if any has escaped them, there is now less matter objectionable to the Roman Catholics, to be found in the books used in the public schools, than in those of any other seminary of learning, either public or private, within this State.

In conclusion, your remonstrants would remark, that they have not thought it expedient, on this occasion to enter into a detailed defence of their conduct, as regards all of the charges preferred by the Roman Catholics. Those charges are before your honorable body, and the Trustees will cheerfully submit to any inquiry that you may see fit to institute in relation to them; and even if it can be shown that your remonstrants are as "eminently incompetent, to the superintendence of public education" as the petition of the Roman Catholics intimates, it would not, they respectfully suggest, furnish any apology for breaking down, one of the most important bulwarks of the civil and religious liberties of the American people.

Should your honorable body decide to hear the petitioners before the collected Board, your remonstrants respectfully ask to be heard on the same occasion in reply.

New York, October 3d, 1840.

ROBERT C. CORNELL, *President.*

A. P. HALSEY, *Secretary.*

ADDRESS

*Of the Roman Catholics to their Fellow Citizens of the
City and State of New York.*

FELLOW-CITIZENS :

WE, the Roman Catholics of the City of New York, feeling that both our civil and religious rights are abridged and injuriously affected by the operation of the "Common School System," and by the construction which the Common Council have lately put on the laws authorizing that system, beg leave to state our grievances, with the deep confidence in the justice of the American character, that if our complaints are well founded, you will assist us in obtaining the redress to which we are entitled—if they are not well founded, we are ready to abandon them.

We are Americans and American citizens. If some of us are foreigners, it is only by the accident of birth. As citizens, our ambition is to be Americans—and if we cannot be so by birth, we are so by choice and preference, which we deem an equal evidence of our affection and attachment to the Laws and Constitution of the country. But our children, for whose rights as well as our own, we contend in this matter, are Americans by nativity. So that we are like yourselves, either natives of the soil, or like your fathers from the Eastern World, having become Americans under the sanction of the Constitution, by the birthright of selection and preference.

We hold, therefore, the same ideas of our rights that you hold of yours. We wish not to diminish yours, but only to

secure and enjoy our own. Neither have we the slightest suspicion that you would wish us to be deprived of any privilege which you claim for yourselves. If, then, we have suffered by the operation of the "Common School System" in the City of New York, it is to be imputed rather to our own supineness, than to any wish, on your part, that we should be aggrieved.

The intention of the Legislature of this State, in appropriating public funds for the purposes of popular schools, *must have been* (whatever construction the lawyers of the Common Council put upon it,) to diffuse the blessings of education among the people, without encroachment on the civil and religious rights of the citizens. It was, *it must have been*, to have planted in the minds of youth, principles of knowledge and virtue, which would secure to the State a future population of enlightened and virtuous, instead of ignorant and vicious members. This was certainly their general intention, and no other would have justified their bountiful appropriation of the public funds.

But in carrying out the measure, this patriotic and wise intention has been lost sight of—and in the City of New York at least, under the late arbitrary determination of the present Common Council, such intention of the Legislature is not only disregarded, but the high public ends to which it was directed, are manifestly being defeated.

Mere knowledge, according to the late decision; mere secular knowledge, is what we are to understand by education, in the sense of the Legislature of New York. But if you should allow the smallest ray of religion to enter the school room, if you should teach the children that there is an eye which sees every wicked thought, that there is a God, a state of rewards and punishments beyond this life, then, according to the decision of the Common Council, you forfeit all claim to the bounty of the State, although your scholars should have become as learned as Newton, or wise as Socrates! Is then, we would ask you, fellow citizens, a practical rejection

of the Christian religion in all its forms, and without the substitution of any other, the basis on which you would form the principles and character of the future citizens of this great commonwealth? Are the meek lessons of religion and virtue, which pass from the mother's lips into the heart of her child, to be chilled and frozen by icy contact with a system of education thus interpreted?

Is enlightened villainy so precious in the public eye, that science is to be cultivated whilst virtue is neglected, and religion, its only adequate groundwork, is formally and authoritatively proscribed? Is it your wish that vice should thus be elevated from its low and natural companionship with ignorance, and be married to knowledge imparted at the public expense?

We do not say that even the Common Council profess to require that the Christian religion should be excluded from the Common Schools:—They only contend that the inculcation of each or any of its doctrines would be sectarianism and thus, lest sectarianism should be admitted, Christianity is, substantially excluded. Christianity in this country is made up of the different creeds of the various denominations, and since all these creeds are proscribed, the Christian religion necessarily is banished from the halls of public education.

The objections which we have thus far stated, fellow citizens, ought to appear to you, in our opinion, as strong to you as they do to us. For though we may differ in our definition of the religion of Christ, still we all generally profess to believe, to revere it, as the foundation of moral virtue and of social happiness. Now, we know of no fixed principle of infidelity, except the *negation* of the Christian religion. The adherents of this principle may differ on other points of scepticism, but in rejecting Christianity, they are united. Their confession of faith is a belief in the *negative* of Christianity; but they reject it, *in toto*; whilst the Common Council rejects it only in all its several parts, under the name of sectarianism.

It is manifest, therefore, that the public school system, in the City of New York, is entirely favorable to the sectarianism of infidelity and opposed only to that of positive Christianity. And is it your wish, fellow citizens—is it your wish more than ours, that infidelity should have a predominancy and advantages, in the public schools, which are denied to Christianity? Is it your wish that your children shall be brought up under a system of education, so called, which shall detach them from the Christian belief which you profess, whatever it may be, and prepare them for initiation into the mysteries of Fanny Wrightism, or any other scheme of infidelity which may come in their way? Are you willing that your children, educated at your expense, shall be educated on a principle *antagonist* to the Christian religion?—that you shall have the toil and labor of cultivating the ground, and sowing the seed, in order that infidelity may reap the harvest.

With us, it is matter of surprise that conscientious persons, of all Christian denominations, have not been struck with this bad feature of the system, as understood by the Common Council. A new sectarianism antagonist to all *Christian* sects, has been generated in, not the common schools, as the State originally understood the term, but in the *public* schools of the Public School Society;—this new sectarianism is adopted by the Common Council of this city; and is supported, *to the exclusion of all others*, at the public expense. Have the conscientious Methodists, Episcopalians, Baptists, Lutherans and others, no scruples of conscience at seeing their children, and the children of their poor, brought up under this new sectarianism? It is not for us to say; but for ourselves we can speak: and we cannot be parties to such a system except by legal compulsion and against conscience.

Let us not be mistaken. We do not deny to infidels, for unbelief, any right to which any other citizen is entitled.

But we hold that the common school system, as it has been

lately interpreted by the Common Council of the city, necessarily transfers to the interest of infidel sectarianism the advantages which are denied to Christian sectarianism of every kind.

Again, let us not be misunderstood. We are opposed to the admission of sectarianism of any and of every kind, whether Christian or anti-Christian, in the schools that are supported by the State.

But we hold also that, so far as the commonwealth is concerned in the character of her future citizens, even the least perfect religion of Christian sectarianism would be better than no religion at all. And we hold that, of all bad uses to which the public money can be perverted, among the worst would be the expending of it, in the shape of a bounty to education, for the spread and propagation of sectarian infidelity. Far be it from us to suppose that either the Legislature, Common Council or School Commissioners ever intended such perversion. We hold, nevertheless, that the consequence which we have pointed out, and the apprehension of which is one of the reasons why we Roman Catholics cannot conscientiously participate in the benefits of these schools, is necessary and inevitable. The education which each denomination might, under proper restraints and vigilance, give to its *own poor*, has passed and become a monopoly in the hands of "The Public School Society of New York." That corporation is in high and almost exclusive standing with the Common Council. *

* NOTE.

"The Public School Society" was originally incorporated, for "the education of Poor Children, who do not belong to, or are not provided for, by any Religious Society." The purpose was humane, patriotic and benevolent. But alas! it has been most sadly departed from. One of the motives, indeed the principal one, which they set forth in their petition for a charter from the people and Legislature of the State, was in their own language, "the benefits which would result to society from the education of such children, BY IMPLANTING IN THEIR MINDS

Now, the education which is imparted on the principle of the schools of that society is, in our decided opinion, calculated from its defectiveness to disappoint the benevolent hope of legislative bounty, and to make bad and dangerous citi-

THE PRINCIPLES OF RELIGION AND MORALITY." This was in 1805. In 1808 they obtained a considerable appropriation of the public money, independent of the school fund;—and had themselves designated the "Free School Society of New York," with an extension of their powers reaching "all children who are proper objects of gratuitous education." In 1810 they obtained an act, (for they never slumbered,) putting the right of membership at a contribution of fifty dollars, and providing for them another extra appropriation. Thus they continued from year to year, until they finally got themselves denominated "The Public School Society of New York," and from that time labelled *their* Schools, as if they belonged to the community at large, "Public Schools." They are not certainly, in the ordinary sense of the terms, what they profess to be. They are merely *called* "Public Schools," but they belong to a private Corporation, who have crept up into high favor with the powers that be, and have assumed the exclusive right of monopolising the education of youth, and of receiving exclusively the public funds set apart for that benevolent and patriotic purpose.

But there is one circumstance which brands their exclusive pretension with the stamp of rare and peculiar arrogance. It is that they claim the Common School funds on the express ground of defeating the very end for which their Charter was obtained, viz. "the benefits that would result to society from the education of (such) children, by implanting in their minds the principles of religion and morality." Now—in their apostacy from their first profession, they claim the merit of benefiting society by seeing that in *their* schools, no principle of religion and morality shall be implanted! The same body, under different names, obtaining a charter and high pecuniary privileges in consideration of their doing a certain good work; and yet coming out openly to claim exclusively the bounty granted for that purpose, on the ground that they and they alone, have taken the precaution that the good work shall not be performed in connection with education. Not only will they not perform it themselves but they will not allow others to accomplish it. What would have been a benefit to society when they applied for a charter, would be a terrible injury now. And if by chance "the principles of religion and morality were implanted in the minds of children," there would result nothing but sectarianism, bickering,

zens. We all know that the belief of another world is, ultimately, at the base of all that is just and sacred in this. The love of God—the hope of future rewards—the dread of future punishment—one or all of these, constitute and must be the foundation of conscience in the breast of every man. Where neither of them exists, conscience is but an idle word. Religion is but the developement of these important truths, governing man by their internal influence on his passions and affections, regulating the order of his duties to God, to his country, to his neighbor and himself. If they have their full force, he will be a man of justice, probity and truth. And in proportion as such men are numerous in the commonwealth, in the same proportion will the State enjoy security and happiness from within—honor and high estimation from without.

Now, holding these truths as indisputable, we ask you, fellow-citizens, to say whether this, not common, but public, school system, as it is now administered, under the interpretation of the Common Council, is calculated to raise up for your successors in the State men of this description; or, rather, whether it does not promise you men of a different and diametrically opposite character? The Common Council makes it a condition, an essential one of those schools, that religion shall not be taught, for this would be sectarianism. And thus the intellect is cultivated, if you please, but the heart and moral character are left to their natural de-

and religious wars—and over and above the equilibrium of the American Constitution would be awfully disturbed;—the rights of conscience would be violated, and disasters innumerable would be the result.

(Vide the apprehensions of the lame and laboring Report put forth, in April, on behalf of the Public School system, as emanating from a committee of the Board of Assistant Aldermen, against the petitions of the Roman Catholics, Scotch Presbyterians, and others, who have the misfortune to believe still that society would be benefited by having “principles of religion and morality implanted in the minds of children.”)

pravity and wildness. This is not education; and above all, this is not *the* education calculated to make good citizens.

Education cultivates all the faculties of the human soul, the *WILL*, as well as the understanding and memory.

The public school system not only does *NOT* cultivate the will (for this can hardly be done without the aid of religion,) but it almost emancipates the will, even in the tender age of childhood, in reference to the subject of religion itself. We have found in the hands of our children lessons setting forth, in substance, that, after all, *humane* feelings and actions are about the best religion.

In these schools, you give them knowledge, without the moderating principle which will direct its use, or prevent its being applied to the worst of purposes. What principle do you inculcate that will check the lie that is rising to their lips, or cause confusion on their brow when they have uttered it? None. Religion could accomplish this—but religion is excluded. If you tell them there is a God who will punish them, the Atheist father, who thinks himself an honest man without God, and who thinks his own opinions good enough for his child, will appeal to the decision of the Common Council, and show that you violate the condition of the grant in favor of common schools, by speaking of God, or any thing sectarian. What principles of self-restraint are inculcated in this spurious system of education, which leaves the *WILL* of the pupil to riot in the fierceness of unrestrained lusts. "Train up a child in the way in which he should walk, and when he is old he will not depart from it," is the maxim of one who judged of human nature with more than human penetration. But the Common Council has reversed it, and decided that the child will train up itself, provided you give it knowledge without religion.

Thus far, fellow citizens, we have stated our objections to the present system of common school education, not as they affect us more than any other denomination of Christians.

We have stated them in view of the bearing which that

system is likely to have on interests in which you are concerned as much as, or more than ourselves, viz.: religion, morals, individual and social happiness, and the welfare of the State.

We believe it was the warning voice of the illustrious Washington, among the most solemn words of *the* patriot, breathed into the ear of his beloved country, to *beware* of the man who would inculcate morality *without religion*.

We now come to the statement of grievances which affect us in our civil and religious rights, as Roman Catholics.

Under the guarantee of liberty of conscience, we profess the religion which we believe to be true and pleasing to God.

We inherit it, (many of us,) from our persecuted fathers, for we are the sons of martyrs in the cause of religious freedom.

Our conscience obliges us to transmit it to our children.

A brief experience of the public school system, in the City of New York, convinced us that we could not discharge our conscientious duty to our offspring, if we allowed them to be brought up under the influence of the irreligious principles on which these schools are conducted, and to some of which we have already alluded. But besides these, there were other grounds of distrust and danger, which soon forced on us the conclusion that the benefits of public education were not for *us*. Besides the introduction of the Holy Scriptures without note or comment, with the prevailing theory that from these even children are to get their notions of religion, contrary to our principles, there were in the class books of those schools, false (as we believe) historical statements respecting the men and things of past times, calculated to fill the minds of our children with errors of fact, and at the same time to excite in them prejudice against the religion of their parents and guardians. These passages were not considered as sectarian, inasmuch as they had been selected as mere reading lessons, and were not in *favor* of any particular sect, but merely *against* the Catholics. We feel it is un-

just that such passages should be taught at all, in schools to the support of which we are contributors, as well as others. But that such books should be put into the hands of *our own* children, and that, in part, at our own expense, was in our opinion, unjust, unnatural, and, at all events, to us, intolerable. Accordingly, through very great additional sacrifices, we have been obliged to provide schools under our Churches and elsewhere, in which to educate our children as our conscientious duty required. This we have done to the number of some thousands, for several years past, during all which time we have been obliged to pay taxes—and we feel it unjust and oppressive, that whilst we educate our children as well, we contend, as they would be at the public schools, we are denied our portion of the school fund, simply because we, at the same time, endeavor to train them up in principles of virtue and religion. This we feel to be unjust and unequal. For we pay taxes in proportion to our numbers, as other citizens. We are supposed to be from one hundred and fifty to two hundred thousand in the State.

And although most of us are poor, still, the poorest man amongst us is obliged to pay taxes from the sweat of his brow, in the rent of his room or little tenement. Is it not then hard and unjust that such a man cannot have the benefit of education for his child without sacrificing the rights of his religion and conscience? He sends his child to a school under the protection of his church, in which these rights will be secure. But he has to support this school also. In Ireland he was compelled to support a church hostile to his religion, and here he is compelled to support schools in which his religion fares but little better, and to support his own school besides.

Is this state of things, fellow citizens, and especially Americans, is this state of things worthy of *you*, worthy of your country, worthy of our just and glorious Constitution? Put yourselves in the poor man's place, and say whether you would not despise him, if he did not labor, by every lawful

means, to emancipate himself from this bondage. He has to pay double taxation for the education of his child, one to the misinterpreted law of the land, and another to his conscience. He sees his child going to school with perhaps only the fragment of a worn out book, thinly clad, and its bare feet on the frozen pavement; whereas, if he had his rights, he could improve the clothing, he could get better books, and have his child better taught, than it is possible in actual circumstances.

Nothing can be more false than some statements of our motives, which have been put forth against us.

It has been asserted that we seek our share of the school fund for the support and advancement of our religion.

We beg to assure you, with respect, that we would scorn to support or advance our religion at any other than our own expense. But we are unwilling to pay taxes for the purpose of destroying our religion in the minds of our children. This points out the sole difference between what we seek, and what some narrow-minded or misinformed journals have accused us of seeking.

If the public schools could have been constituted on a principle which would have secured a perfect NEUTRALITY of influence on the subject of religion, then we should have no reason to complain. But this has not been done, and we respectfully submit that it is impossible. The cold indifference with which it is required that all religions shall be treated in those schools—the scriptures without note or comment—the selection of passages as reading lessons, from Protestant and prejudiced authors, on points in which our creed is supposed to be involved—the comments of the teacher, of which the Commissioners cannot be cognizant,—the school libraries, stuffed with sectarian works against us—form against our religion a combination of influences, prejudicial, and to whose action it would be criminal in us to expose our children at such an age.

Such, fellow citizens, is a statement of the reasons of our

opposition to the public schools, and of the unjust and unequal grievances of which we complain.

You can judge of our rights by your own. You cannot be expected to know our religion: many of you have, no doubt, strong prejudices against it, which we are fain to ascribe precisely to the circumstance of your not having had an opportunity to know it.

But notwithstanding your prejudices, and your disapproval of our faith, we have confidence in your high principles of justice, under the sanction of our common constitution, which secures equal religious and civil rights to all. Put yourselves in our situation, and say whether it is just, or equal, or constitutional, that whereas we are contributors to the public funds, we shall be excluded from our share of benefit in their expenditure, unless we submit to the arbitrary and irreligious conditions of the Common Council, and thereby violate our rights of conscience?

Our religion is dear to us—for, in the hearts of many of us it is connected with the history of our fathers' sufferings, and our own. Education is dear to us, for the tyrants who wished to enslave our ancestors and us, made it criminal felony for the schoolmaster to come among us, unless he were the avowed enemy of our creed.

We seek for nothing but what we conceive to be our rights, and which can be granted without violating or abridging the privileges of any other denomination or individual breathing. They may be refused as they have been. If they should, neither shall we yet suffer our children to receive the anti-religious education of the public schools, nor shall we kiss the hand that fixes a blot on the Constitution, by oppressively denying our just claims.

What do we contend for? Simply that our children shall be educated apart from these influences. WE CONTEND FOR LIBERTY OF CONSCIENCE, AND FREEDOM OF EDUCATION. We hold that the laws of nature, of religion, and the very

Constitution of the country, secure to parents the right of superintending the education of their own children.

This right we contend for, but we have hitherto been obliged to exercise it under the unjust disadvantages of double taxation. If the State, considering our children as its own, grants money for their education, are we not entitled to our portion of it, when we perform the services which are required?

It appears not, according to the decision of the Common Council, unless we send our children to schools in which our religious rights are to be violated, and our offspring qualified to pass over to the thickening ranks of infidelity. This shall not be—much as we dread ignorance, we dread this much more.

If justice were done us, we could increase the number of our teachers to a proportion corresponding with the number of children. We could improve our means of teaching—we could bring our children out of the damp basements of our churches, into pure air of better localities. In a word, give us our just proportion of the Common School Fund, and if we do not give as good an education *apart from religious instruction*, as is given in the public schools, to one third a larger number of children for the same money, we are willing to renounce our just claim. Let the proper authorities appoint any test of improvement, that shall be general, and we shall abide by it. Neither do we desire that any children shall attend our schools, except those of our own communion—although so far as *we* are concerned, they shall be open to all.

In a country like this, it is the interest of all to protect the guarantied rights of each. Should the professors of some weak or unpopular religion be oppressed to-day, the experiment may be repeated to-morrow on some other. Every successful attempt in that way, will embolden the spirit of encroachment, and diminish the power of resistance; and in

such an event the monopolizers of education, after having discharged the office of public tutor, may find it convenient to assume that of public preacher. The transition will not be found difficult or unnatural from the idea of a common school, to that of a common religion, from which of course, in order to make it popular, all Christian sectarianism will be carefully excluded.

Resist the beginnings, is a wise maxim in the preservation of rights.

Should the American people ever stand by, and tolerate the open and authoritative violation of their *Magna Charta*, then the Republic will have seen the end of its days of glory.

The friends of liberty, throughout the civilized world, will fold their hands in grief and despair. The tyrants of the earth will point to the flag which your fathers planted, and cry, ha! ha!

The Nations from afar will gaze upon it, and behold with astonishment its bright stars faded, and its stripes turned into Scorpions.

The above Address, was unanimously adopted at a general meeting of the Catholics of the City of New York, in the school room of St. James' Church, August 10th, 1840, having been submitted by

† JOHN HUGHES, Bishop of Basileopolis,	}	COMMITTEE.
Coadjutor and Administrator of the		
Diocess of New York,		
HUGH SWEENEY,		
THOMAS O'CONNOR,		
JAMES W. McKEON,		
GREGORY DILLON,		
J. W. WHITE,		
B. O'CONNOR,		
JAMES KELLY,		
JOHN McLOUGHLIN,	}	

REPLY

Of the Trustees of the Public School Society, to the Address of the Roman Catholics.

FELLOW CITIZENS :

The Roman Catholics of the city of New York, having appealed to you against a recent decision of the Common Council, rejecting their petition for a portion of the School Fund, for the support of their church schools, and having seen fit to prefer charges of a gross and serious nature, against the present system of public instruction in the city of New York ; the Trustees of the Public Schools feel it to be a duty which they owe to themselves, and to the community, who have, for more than thirty years, in great measure, confided to them, the important subject of common education, to reply, and disabuse the public mind.

It is proper at the threshold, to remove an important error which pervades almost every part of the Address. It assumes, that the plan of withholding the proceeds of the School Fund, and other school monies, from Religious Societies, is peculiar to the city of New York ; and speaks of the late decision of the Common Council as something new ; whereas, neither the Constitution nor laws of the State, contemplates any such use of the fund. It never was so appropriated in any part of the State, except, during a few years in the city of New York. This experiment resulted, inconsiderable as the amount then was, as it ever must result, in producing jealousies and abuses, which induced a repeal of the law, nearly twenty years ago. The recent decision of the Common Council was, therefore, only in confirmation of a previous one, and was in strict accordance with the Constitution, the laws and practice of the State. And it is wor-

thy of special remark, as evidence of the soundness of the conclusion, that the vote was unanimous, every member being present.

With such portions of the Address as relate to the general question, whether the school money shall or shall not be given to religious societies for the support of church schools, it is not proposed to detain you long. This question has been so conclusively settled by public opinion, and the consequent action of our legislative bodies, that to enter upon a discussion of it now, might be considered an insult offered to the understanding of the people. There is, perhaps, no one axiom connected with our political institutions which is more strongly impressed on the mind of an American than this, "*Religious establishments must not be supported by general taxation.*" In the primary question, the Trustees of the Public School Society have no interest that is not common to every citizen. In all that relates to the quality and management of the public schools, they feel a deep interest, and hold themselves strictly responsible to public opinion and the constituted authorities. It is proper, therefore, that the allegations contained in the Address of the Roman Catholics, be either admitted or refuted. They are of a grave and serious character, and such as should, if true, justly deprive the Trustees of the confidence which has been so long reposed in them. But they are not true; nor is there even an attempt made in the Address to sustain them by evidence. Bold assertion, vague generalizing, and mystical reasoning, are alone relied upon. It would be difficult, if not impossible, to follow the Address through all the forms and windings it is made to assume, in endeavoring to fasten upon the public school system of education, features the most odious, to a moral and religious people. That document asserts that according to the late decision of the Common Council, "if you should allow the smallest ray of religion to enter the school room; if you should teach the children that there is an eye which sees every wicked thought, that there is a God, a state of rewards and punishments beyond this life, then you would

forfeit all claim to the bounty of the State." It also avers that "the Public School system in the city of New York, is entirely favorable to the sectarianism of Infidelity, and opposed only to that of positive Christianity;" that "it prepares the pupil for initiation into the mysteries of Fanny Wrightism, or any other scheme of Infidelity which may come in their way;" that "it is calculated to make bad and dangerous citizens; that no principle is inculcated that will check the lie that is rising to the pupils' lips, or cause confusion on their brow when they have uttered it;" that it "leaves the will of the pupil to riot in the fierceness of unrestrained lusts." But we forbear: these are indeed high and serious charges. Happily for the reputation of the city, and the welfare of the thousands, who have received and are receiving their education in the public schools, they are as unfounded as they are monstrous. Even the authors of the Address, shrink from a picture of their own coloring, and declare that they do not mean to say "that either the Legislature, Common Council, or School Commissioners, ever intended such perversions."

What then, fellow citizens, do they mean? The answer is obvious. They claim to have discovered, that the illustrious men who originated our admirable system of Common School education, the framers of our State Constitution, and the successive Legislative bodies who have enacted Laws on the subject; in short, that the whole people of the State of New York have been, for nearly thirty years, laboring under a gross and dangerous delusion; and it follows by necessary implication, that the authors of the Address are the exclusive judges of what constitutes religion, and of the kind of education adapted to American citizens.

It is a most extraordinary feature of this Address, that with the school books in their hands, not a quotation is made to sustain their charges, and the only book objected to by name, is "The Holy Scriptures, without note or comment."

Strange inconsistency! they charge us with teaching Infidelity.

delity, and a religion adverse to Christianity, and yet condemn us for using, unless accompanied by their own explanation, that which is the foundation of the Christian religion, and which believers and unbelievers unite in pronouncing, the most perfect code of morals ever presented to the world.

The Trustees of the public schools did suppose that by introducing the Holy Scriptures into the schools, they would not only avoid the charge of teaching "Infidelity, and Fanny Wrightism," but that in using the impressive and sublime language of the inspired penman, "without note or comment" they would disarm the jealousy and quiet the fears of all who believe in the sacred volume. Had they attempted to enforce the peculiar views of any who deduce their religious doctrines from the Scriptures, they would justly have incurred the charge of "sectarianism." But, says the Address, religion is not taught in any form. It is true that religion is not taught in the sense that reading, writing, arithmetic and geography are, nor was it ever intended that it should form a branch of public instruction. Our Constitution and Laws have wisely omitted to provide for such instruction, at the public expense, and have left it where it belongs, to the parent and pastor, and religious seminaries, supported by the voluntary contributions of its votaries.

The reading books used in the public schools are the same as those used in private schools of a similar grade in which children of various religious persuasions, including those of our more wealthy fellow citizens of the Roman Catholic church, are educated.

Many of them contain the best, most sublime and impressive essays on morals and religion that can be found in the English language; and are calculated to impress on the young mind a belief in the existence of God, the immortality of the soul, and a future state of rewards and punishments. They picture vice in its naked deformity, and present virtue in her most pleasing and attractive colors.

Let the records of our Criminal Courts, our prisons and the

receptacles for those who, by reason of "rioting in the fierceness of unrestrained lusts," have become a public charge, be examined with reference to the effect of our system of education, on the mind and morals as compared with any other system, and the result will be found highly favorable to the public schools.

Let the characters of the tens of thousands who have been educated at these schools be enquired into with a view to ascertain their value as citizens and their love of truth, as compared with those who have received their education by the opposite system, in this or any other country, and the friends of the "public schools in the city of New York" have nothing to fear from the result.

The Address states that books have been found in the hands of Catholic children "setting forth in substance, that after all, *humane* feelings and actions are about the best religion." The eminent Prelate who read the Address, and said that he was concerned in drafting it, on the same occasion read to the assembly, from one of the school books, a story entitled "Sunday Morning." It is a dialogue between a father and son, and is evidently intended to convey a two-fold moral, one, that worship is a work of the "mind and spirit," and that when these are right, it will be acceptable in the Divine sight, however various in form and ceremony; and by an accident which is made to happen to a poor man in the street, as the several congregations are retiring from their respective places of worship, it further aims to inculcate the doctrine that the Christian religion, in whatever form professed, leads to "humane feelings and actions." The story occurs in the American Popular Lessons, page 124, and is certainly any thing but "sectarian." This is clearly the story referred to, and it assumes importance because it furnishes data whereby to estimate the charges against the public schools, and the books used in them, of which the Address is so prolific.

There are portions of the Address that it is difficult, if not

impossible to understand or reconcile with other portions. One objection to the Public School system is, that in excluding the "different creeds of the various denominations," "the Christian religion necessarily is banished from the halls of public education." Yet it declares that "the Roman Catholics are opposed to the admission of sectarianism of any and every kind in the schools that are supported by the State." The questions then occur, will they exclude religious instruction from the Catholic schools? and if so, in what will they differ from the Public Schools? If they teach "science without religion" will it not, according to their own showing, produce "enlightened villainy," and be liable to the awful consequences which they predicate of the system denounced? If on the other hand they mean, as they certainly must, to teach the Roman Catholic religion, how can they ask "to be supported by the State?"

They say that "they could not discharge their conscientious duty to their offspring if they allowed them to be brought up under the irreligious principles on which the Public Schools are conducted," and while they ask of the State the means of supporting their schools, that they may train up their children "in principles of virtue and *religion*," they assure the public that they "would scorn to support or advance their religion at any other than their own expense."

A solution of some of these incongruities may, perhaps, be found in the fact, that they do not class themselves among "Sectarians," or "Denominations of Christians," but claim to be emphatically "The Church." However sincerely and confidently they may entertain this view of the subject, can they, fellow citizens, with propriety ask you to sustain the Legislature in giving it the high sanction of legal enactment? We think you will unite with us in saying, No!

That portion of the Address which contains a statement of the grievances which are thought to affect the Roman Catholics in their "civil and religious rights" remains to be con-

sidered. And the Trustees approach it with the seriousness which its importance demands.

The absence of a large portion of the Catholic children of this city from the Public Schools, has been cause of deep and abiding regret to the Trustees. At various times during the last ten years, efforts have been made to remove the obstacles to their attendance. Propositions have, again and again, been submitted to the Roman Catholic clergy to institute a joint examination of the books used in the Public Schools, with a view to their expurgation from every thing obnoxious to Catholic censure; but these overtures have not, the Trustees regret to say, been met in the spirit in which they were made. Within the present year a committee was appointed by the Board of Trustees to "examine the books in use in the Public Schools, including those in the libraries, with a view to ascertain and report, whether they contain any thing derogatory to the Roman Catholic Church, or any of its religious tenets, with power to communicate with such persons of that Church as may be authorised to meet them in reference to such alterations." An interview was accordingly procured with a dignitary of the Catholic Church, which, after a full and apparently a frank interchange of views, resulted in his consenting to receive a copy of each book used in the Public Schools, and an understanding that he would communicate with the Committee when he had examined them.

Pending this effort to reconcile conflicting opinions and views, and before any communication is made to the Committee, the Catholic press teems with misrepresentations of the Public Schools, and abuse of the Trustees; which are followed up by the address now under review, and that too after positive assurances had been given, that every thing should be removed from the school books to which they might see fit to object.

It is therefore evident, that no expurgation, nothing of a mere negative character, will satisfy the Roman Catholic

clergy. If the doctrines of their church be not taught, nothing can be which they would not pronounce heretical and "adverse to Christianity." Even the Holy Scriptures are sectarian and dangerous, "without note or comment," and certainly no comments would be acceptable other than those of their own church. The address does indeed declare, that "if the Public Schools could have been constituted on a principle which would have secured a perfect neutrality of influence on the subject of religion," then they would have no reason to complain; but in the same paragraph, they are careful to declare, that such a consummation is impossible: and why impossible? we would ask: unless one of the parties enters upon the undertaking with feelings of exclusiveness which forbid a compromise.

It is known that a large portion of the Bishops and clergy of the Established and other Protestant churches, and a majority of the Roman Catholic Bishops of Ireland, have agreed upon a general system of education, and a collection of extracts from the sacred Scriptures, for the national schools of that country. At the conference just referred to, the question was distinctly put, whether the objection of the Catholic clergy to the public schools, so far as regards reading the Scriptures without note or comment, would be removed by the use of these extracts in them? The answer was, that the dissenting Bishops had appealed to the Pope against the majority of the body, and as his Holiness had not yet settled the question, he was not prepared to give an answer. The Trustees very much regret that circumstances have placed them in a situation which renders this exposition necessary. But they could not do less and discharge their duty to themselves and the public.

It now remains to speak of the real causes of complaint, which the Roman Catholics have against the public schools. The books selected for the children have, from the first, been those used and most highly esteemed as school books. The passages objected to, or nearly all of them, are historical, and

relate to what is generally called the Reformation. The writers were Protestants, and took a view of the men and incidents, of that excited and eventful period, directly opposed to those entertained by the members of the Roman Catholic church. These portions must of course be offensive to Catholics, and they furnish just cause of complaint. The books in all other respects are admirably adapted to the uses for which they were compiled. The objectionable passages are not numerous, but the books are not to be found without them. Had the overtures of the Trustees for a joint examination been acceded to, expurgated editions would long ago have been prepared for the public schools.

The difficulty of procuring books entirely exempt from objection cannot, perhaps, be more forcibly illustrated than by the fact that one work, containing passages as liable to objection as almost any other is now used as a class book even in the Catholic schools. It is the intention of the Trustees, nevertheless, to prosecute the work of expurgation until every just cause of complaint is removed. The use of one very excellent work has been recently suspended until a few passages, objectionable on the ground alluded to, can be obliterated. The co-operation of the Catholic clergy is, however, very desirable, inasmuch as it is abundantly evident, that the most careful and vigilant scrutiny, on the part of the Trustees, may not enable them to detect every thing that the former would exclude.

At the same time that the Trustees feel, that in yielding to the conscientious scruples of the Roman Catholics, they are bound to protect the feelings and interests of the Protestant Churches, they are even disposed to remove reading matter to which *they* can see no objection, because it cannot be doubted that the fertile field of English literature will still furnish an ample supply.

A hope still lingers, that every obstacle may be removed, and that their fellow citizens of the Roman Catholic Church, may be induced to permit their children to participate in the

advantages which the public schools undeniably afford. For the attainment of this desirable end, the Trustees will make every sacrifice compatible with justice and propriety.

They remain ready and anxious to join with the Roman Catholics in efforts so to model the books and studies in the public schools, as to obviate existing difficulties. They think that it may be done. But if, as was the case in the Irish National Schools, an appeal to the Pope should be necessary, they are free to confess, in the language of the address, that "a perfect neutrality of influence, on the subject of religion," is indeed, "impossible."

The Trustees are strongly impressed with the importance of the religious culture of the minds of youth. The public schools are open for ordinary purposes only thirty hours in each week. Two entire days of each week may be devoted to instruction in the peculiar religious views of those whose inclination and sense of duty may prompt them to bestow the labor. Most of the public school buildings are now occupied on the Sabbath by Sunday Schools. There is room for more, and the Roman Catholics have repeatedly been told that the school buildings were as open to them as to others.

Moreover, fellow citizens, the Trustees would observe, that if a portion of the School Fund is given to the Roman Catholics, for the support of their church schools, it will be impossible to refuse the same boon to other churches; in short, to all who may object, on conscientious grounds, to a general system of education. The effect would inevitably be, to destroy the present excellent establishment, and to introduce in its place innumerable small and inferior schools, in which, or in a part of them at least, the public money would be frittered away in efforts to establish in the minds of the rising generation, the creeds and dogmas of each division and subdivision of the Christian Church.

In urging their rights of conscience, the Roman Catholics appear to have lost sight of the important fact, that a great proportion of their fellow citizens would think their own

rights of conscience violated in being taxed for the support of Catholic schools.

That religion, *as a branch of study*, should be excluded from the system of common school instruction, is the well settled policy of the State; and even political men are agreed, that it is scarcely of secondary importance, that it should be exempted from the blighting influence of party politics. On both these points, the Trustees have, to the best of their ability, guarded the Public School System.

In selecting teachers no regard is had to the religious profession of the candidate. Moral character and qualifications for the important station are alone looked to. Those now employed embrace a variety of religious persuasions, including six or seven of the Roman Catholic faith.

In submitting the foregoing reply to the "Address of the Roman Catholics," The Trustees of the Public Schools take occasion to say, that the duties they have assumed, are as arduous as they are responsible. About one hundred of your fellow citizens are engaged in this work, uniting in their number, men of almost every religious persuasion, and of every political party. Upon a faithful and judicious discharge of their duties, depends, in no small degree, the future welfare of the city, and, to some extent, the continued prosperity of our beloved country. More than eleven thousand visits were made to the schools, by the Trustees, during the past year. From these labors neither emolument nor honor are derived. Other and higher motives have induced the sacrifice.

Finally, the Trustees invite the public, and the officers of government, to institute a rigid examination of the present system. If a better can be devised, they will cheerfully surrender a trust which has afforded them no reward, other than a consciousness of having done their duty. Without such examination they feel assured that nothing will be done to disturb its operation.

An entire separation between Church and State is a promi-

ment feature of our political compact. History is pregnant with the awful consequences of their union. Even in the arbitrary governments of Europe, slow as they are to correct abuses, the bands that unite them are becoming weaker and weaker, and it is confidently believed that the people of the State of New York are not prepared to take the first step in a retrograde course.

ROBERT C. CORNELL,

President.

A. P. HALSEY, *Secretary.*

New York, August 27, 1840.



DOCUMENT No. 21.

BOARD OF ALDERMEN,

OCTOBER 19, 1840.

Memorial of a Committee appointed by the Methodist Episcopal Church, protesting against any Sectarian distribution of the School Fund.

SAML. J. WILLIS, CLERK.

*To the Hon. the Common Council
of the City of New York:*

THE undersigned Committee, appointed by the Pastors of the Methodist Episcopal Church in this city, on the part of said pastors and churches, do most respectfully represent:

That they have heard with surprise and alarm, that the Roman Catholics have renewed their application to the Common Council, for an appropriation from the Common School Fund, for the support of the schools under their own direction; in which they teach, and propose still to teach, their own sectarian dogmas: not only to their own children, but to such Protestant children, as they may find means to get into these schools.

Your memorialists had hoped that the clear, cogent and unanswerable arguments, by which the former application

for this purpose was resisted, would have saved the Common Council from further importunity.

It was clearly shown, that the Council could not legally make any sectarian appropriation of the public funds ; and it was as clearly shown, that it would be utterly destructive of the whole scheme of public school instruction to do so, even if it could be legally done. But it seems that neither the Constitution of the State, nor the public welfare, are to be regarded, when they stand in the way of Roman Catholic sectarianism and exclusiveness.

It must be manifest to the Common Council, that if the Roman Catholic claims are granted, all the other Christian denominations will urge their claims for a similar appropriation ; and that the money raised for education by a general tax, will be solely applied to the purposes of proselytism, through the medium of sectarian schools. But if this were done, would it be the price of peace ? or would it not throw the apple of discord into the whole Christian community, should we agree in the division of the spoils ? Would each sect be satisfied with the portion allotted to it ? We venture to say, that the sturdy claimants who now beset the Council, would not be satisfied with much less than the lion's share ; and we are sure that there are other Protestant denominations, besides ourselves, who would not patiently submit to the exaction. But when all the Christian sects shall be satisfied with their individual share of the public fund, what is to become of those children whose parents belong to none of these sects, and who cannot conscientiously allow them to be educated in the peculiar dogmas of any one of them ? The different committees who, on a former occasion approached your honorable body, have shown, that to provide schools for these only, would require little less than is now expended ; and it requires little arithmetic to show that when the religious sects have taken all, nothing will remain for those who have not yet been able to decide, which of the Christian denominations to prefer. It must be plain to every impartial

observer, that the applicants are opposed to the whole system of public school instruction; and it will be found, that the uncharitable exclusiveness of their creed, must ever be opposed to all public instruction, which is not under the direction of their own priesthood. They may be conscientious in all this; but though it be no new claim on their part, we cannot yet allow them to guide and control the consciences of all the rest of the community. We are sorry that the reading of the Bible, in the public schools, without note or commentary, is offensive to them; but we cannot allow the holy scriptures to be accompanied with *their* notes and commentaries, and to be put into the hands of the children, who may hereafter be the rulers and legislators of our beloved country; because, among other bad things taught in these commentaries, is to be found the lawfulness of murdering heretics; and the unqualified submission in all matters of conscience to the Roman Catholic Church.

But if the principle on which this application is based should be admitted, it must be carried far beyond the present purpose.

If all are to be released from taxation when they cannot conscientiously derive any benefit from the disbursement of the money collected, what will be done for the Society of Friends, and other sects who are opposed to war, under all circumstances. Many of these, besides the tax paid on all the foreign goods thus consumed, pay direct duties at the Custom House, which go to the payment of the army and to purchase the munitions of war. And even when the government finds it necessary to lay direct war taxes, these conscientious sects are compelled to pay their proportion on the ground that the public defence requires it. So, it is believed, the public interest requires the education of the whole rising generation; because it would be unsafe to commit the public liberty, and the perpetuation of our republican institutions to those whose ignorance of their nature and value, would render them careless of their preservation, or the easy dupes of

artful innovators ; and hence every citizen is required to contribute in proportion to his means to the public purpose of universal education.

The Roman Catholics complain that books have been introduced into the public schools, which are injurious to them as a body. It is allowed, however, that the passages in these books, to which such reference is made are chiefly, if not entirely, historical ; and we put it to the candor of the Common Council to say whether any history of Europe, for the last ten centuries, could be written, which could either omit to mention the Roman Catholic Church, or mention it without recording historical facts unfavorable to that Church ? We assert that if all the historical facts in which the Church of Rome has taken a prominent part could be taken from writers of her own communion only, the incidents might be made, more objectionable to the complainants, than any book to which they now object.

History itself, then, must be falsified for their accommodation ; and yet they complain that the system of education adopted in the public schools does not teach the sinfulness of lying ! They complain that no religion is taught in these schools, and declare that any, even the worst form of Christianity, would be better than none ; and yet they object to the reading of the Holy Scriptures, which are the only foundation of all true religion. Is it not plain, then, that they will not be satisfied with any thing short of the total abandonment of public school instruction, or the appropriation of such portion of the public fund as they may claim, to their own sectarian purposes.

But this is not all. They have been most complaisantly offered the censorship of the books to be used in the public schools. The Committee to whom has been confided the management of these schools in this city, offered to allow the Roman Catholic Bishop to expurgate from these books any thing offensive to him.

But the offer was not accepted ; perhaps, for the same rea-

son that he declined to decide on the admissibility of a book of extracts from the Bible, which had been sanctioned by certain Roman Bishops in Ireland. An appeal, it seems, had gone to the Pope on the subject, and nothing could be said or done in the matter until his Holiness had decided. The Common Council of New York will therefore find, that when they shall have conceded to the Roman Catholics of this city the selection of books for the use of the public schools, that these books must undergo the censorship of a foreign Potentate. We hope the time is far distant when the citizens of this country will allow any foreign power to dictate to them in matters relating to either general or municipal law.

We cannot conclude this memorial without noticing one other ground on which the Roman Catholics, in their late appeal to their fellow citizens, urged their sectarian claims, and excused their conscientious objections to the public schools. Their creed is dear to them, it seems, because some of their ancestors have been martyrs to their faith. This was an unfortunate allusion. Did not the Roman Catholics know, that they addressed many of their fellow citizens who could not recur to the memoirs of their own ancestors without being reminded of the revocation of the Edict of Nantz, the massacre of St. Bartholomew's day, the fires of Smithfield, or the crusade against the Waldenses? We would willingly cover these scenes with the mantle of charity, and hope that our Roman Catholic fellow citizens will in future avoid whatever has a tendency to revive the painful remembrance.

Your memorialists had hoped that the intolerance and exclusiveness which had characterized the Roman Catholic Church in Europe, had been greatly softened under the benign influences of our civil institutions. The pertinacity with which their sectarian interests are now urged, has dissipated the illusion. We were content with their having excluded us, "*ex cathedra*," from all claim to heaven, for we

were sure they did not possess the keys, notwithstanding their confident pretension; nor did we complain they would not allow us any participation in the benefits of purgatory, for it is a place they have made for themselves, and of which they may claim the exclusive propriety; but we do protest against any appropriation of the public school fund for their exclusive benefit, or for any other purposes whatever.

Assured that the Common Council will do what it is right to do in the premises, we are, gentlemen, with great respect,

Your most obedient servants,

N. BANGS,
THOMAS E. BOND,
GEORGE PECK.

DOCUMENT No. 22.

BOARD OF ALDERMEN,

NOVEMBER 2.

Report of the Finance Committee, in relation to the Claims of Mr. Paddock and others, for filling low grounds, regulating, &c., with a resolution, and Statement of amounts due Contractors. Laid on the table and ordered to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

The Committee on Finance, to whom was referred the accompanying papers from the Board of Assistant Aldermen, in favor of paying the assignee of John Quin the amount of his claim, with interest, out of the City Treasury, for the filling in of certain low grounds in the Twelfth ward, respectfully

REPORT:

These grounds, lying between One hundred and fifteenth and One hundred and twenty-eighth streets, and the Fifth

and Seventh avenues, were, by a Corporation Ordinance, passed in March, 1836, directed to be filled in to the height of three feet above their level, in order to protect the public health, at the expense of the property so to be improved. These grounds were, pursuant to the said ordinance, filled in by Mr. John Quin, who, by the terms of his contract with the Street Commissioner, was to be paid as soon as the expense was collected from the owners of the property; but who, owing to the depression in the market value of real estate, has not yet been paid; nothing having been collected on the assessment, although all the usual means for its collection have been used.

By the terms of Mr. Quin's contract, neither he nor his assignee, Mr. Paddock, has as yet any legal claim upon the Corporation for payment, nor has the Corporation any means in their possession with which to make such payment, the revenues of the year having been appropriated to meet other objects; nor can the Corporation make use of its credit to raise such means without the consent of the State.

Several similar applications from contractors have been referred to your Committee, where the Corporation has been unable to collect the assessments, because the land improved is not worth the actual cost of the improvement, and the contractor has no other protection than to bid off the land in payment of his claim. This he would in general be unwilling, and perhaps unable to do, because he could not realize from a sale of it any thing like the amount of his claim, and must therefore suffer loss. It may be replied, that the fault has been his own; that he should not have undertaken a contract, the cost of which, he must have been aware, would amount to more than the property, with the improvement, would afterwards be worth. It is undoubtedly an exception, where the improvement is to abate a nuisance affecting the public health, let the cost be what it may; and although it perhaps should not then be assumed as a city charge, yet the assessment ought, without doubt, to be ex-

tended over all the neighboring property benefited, and not confined to the mere superficies of the nuisance covered. These cases are surrounded with difficulties, not the least of which is the legal inability of the Corporation to assume it without the Legislative sanction. They present a proper occasion to show the necessity of some proper regulation for the future; a regulation by which the assessment may be governed and the contractor be enabled to rely upon his receiving his money promptly.

Your Committee would therefore recommend the Common Council to require that the assessments for filling in low grounds should be in future extended to all adjoining property benefited by such filling; and to make it the duty of the Street Commissioner to furnish a statement annually, in the month of December, of all property which has been advertised for sale for unpaid assessments, and for which no bid had been received at such sale, to the end that the amount thereof may be included in the annual application to the Legislature for leave to tax it upon the city. The resolution annexed, and which is offered for your consideration, is believed to embody the views and wishes of your Committee. We have caused a statement of the amount already due contractors on uncollected assessments to be appended. The amount now to be assumed by the city is seventy thousand dollars.

WILLIAM CHAMBERLAIN,
EGBERT BENSON,
PETER COOPER.

Resolved, That it shall be the duty of the Street Commissioner, annually, in the month of December, to furnish the Comptroller with a return of all property which has been offered for sale for assessments, during the year, and which he has been unable to sell, together with the amount of said assessments; and that the said Comptroller shall include the amount of such return in his annual estimate, of the claims

against the general treasury for the ensuing year, in order that application may be made to the Legislature of the State for leave to include it in the annual tax to be imposed in this City and County. Further, that it shall be the duty of the said Comptroller to issue bonds to the contractors and others having claims upon such unsold property, after the first day of January ensuing, under the direction of the Finance Committees of both Boards, the said bond to be redeemed from the collections of taxes of the ensuing year.

MEMORIAL OF ROBERT PELLEGREW.

*To the Honorable the Mayor and Common Council of the
City of New York.*

The memorial of the undersigned respectfully sheweth, that there are several contracts made between the undersigned and your Honorable Body, viz. : Paving Chapel and adjoining streets, from Murray to Canal street ; filling Sun-fish Pond, and regulating Twenty-third street, from Third avenue to the East River, upon which balances to some amount stand to the credit of the undersigned ; and as the undersigned has waited, according to custom, until the lots were sold, the said sale having taken place, or have been postponed by a resolution of your Honorable Body, would pay said balance remaining due on said contracts, and your petitioner will ever pray, &c.

ROBERT PELLEGREW.

New York, September 7, 1840.

PETITION OF THOMAS CUMMINGS.

*To the Honorable the Mayor and Common Council of the
City of New York.*

Your petitioner begs leave to state to your Honorable Body, that he contracted with you to dig out and regulate Thirty-first street, from the Ninth avenue to the Hudson River, and completed the same according to contract.

That there is due him a balance of about \$2,600, with interest, and the property on said street has been advertised for sale, and your petitioner expected to be paid from the proceeds of the same ; but he understands that the owners of the property on said street have obtained an injunction from the Court of Chancery to prevent the sale of said property at this time, and thereby prevent your petitioner from receiving the balance due to him at this time.

And he prays your Honorable Body to pay the amount due to him on the above contract, and as in duty bound will ever pray.

THOMAS CUMMINGS.

June 29, 1840.

STATEMENT OF AMOUNTS DUE CONTRACTORS.

	<i>When confirmed.</i>	<i>Amount.</i>	<i>Interest.</i>
Regulating and repaving Chapel and adjoining streets...	Dec. 23, 1837,	\$14,408 19	\$3,193 81
Regulating 23d street.....	May 20, 1839,	2,742 92	272 00
Filling Sun Fish Pond.....	Feb. 28, 1839,	917 26	90 96
Robert Pettigrew, <i>Contractor.</i>			
Paving Beaver street.....	Nov. 8, 1837,	75 16	
Peter Smith, <i>Contractor.</i>			
Sewer in 122d street.....	Dec. 6, 1838,	3,945 03	529 28
John C. Tucker, <i>Contractor.</i>			
Regulating 122d street.....	March 28, 1838,	3,021 89	541 22
Regulating 86th street.....	Nov. 2, 1838,	661 70	91 33
Meggs & Hubbs, <i>Contractors.</i>			
Assigned to John Meggs.			
Regulating carriage way of 3d avenue, between 114th and 125th street.....	Jan. 26, 1838,	200 27	38 34
Meggs & Hubbs, <i>Contractors.</i>			
Assigned to Peter Smith.			
Regulating 10th avenue, from 40th to 50th street.....	Jan. 23, 1839,	3,942 48	482 98
Saml. S. Wendell, <i>Contractor.</i>			
Assigned to John M. Secor.			
Regulating sidewalks of 3d avenue, from 40th to 61st street.....	Dec. 23, 1837,	2,370 82	470 21
Curb and gutter in 3d avenue, from 40th to 61st street....	April 26, 1838,	531 52	111 01
Peter Quin, <i>Contractor.</i>			
Assigned to Wm. Colgate.			
Regulating 9th avenue.....	July 26, 1838,	126 88	20 72
Thos. Cummings, <i>Contractor.</i>			
Assigned to But. and D. Bank.			
Regulating 31st street.....	Jan. 17, 1839,	2,636 14	565 23
Regulating curb and gutter in 8th avenue from 24th to 42d street.....	Dec. 28, 1838,	1,955 09	393 23
Thos. Cummings, <i>Contractor.</i>			
Well and pump in 40th street..	Dec. 19, 1838,	9 00	1 73
John Waddle, <i>Contractor.</i>			
Regulating 42d street.....	Nov. 28, 1838,	911 43	121 03
P. Doherty, <i>Contractor.</i>			
Carried forward.....		\$38,455 78	\$6,923 08

	<i>When confirmed.</i>	<i>Amount.</i>	<i>Interest.</i>
Brought forward.....		\$38,455 78	\$6,923 08
Sewer in 17th street.....	Dec. 20, 1837,	111 62	22 13
Geo. A. Furst, <i>Contractor</i> . Assigned to N. York Life and Trust Company.			
Curb and gutter in 3d avenue, from 110th to 125th street..	Dec. 6, 1837,	406 80	81 82
Thos. Cummings, <i>Contractor</i> . Assigned to Wm. H. Harrison.			
Curb and gutter in 125th street	April 4, 1838,	105 33	18 72
Wm. Forgay, <i>Contractor</i> . Assigned to M. and Traders Bank.			
Filling low grounds from 117th to 120th street, and 5th to 7th avenue.....	June 21, 1838,	2,127 20	347 44
John Quin, <i>Contractor</i> . Assigned to George Lovett.			
Filling low grounds from 115th to 124th street, and from 5th to 8th avenue.....	March 8, 1839,	18,907 92	2,129 06
John Quin, <i>Contractor</i> . Assigned to G. H. Paddock.			
Sewer in 20th street.....	August 6, 1838,		
F. Price, <i>Contractor</i> .		7,622 26	1,178 27
Wm. Torry, "		3,268 86	505 30
A. Tappen, "		2,031 49	313 61
Filling low ground, 116th and 118th streets, and 5th and 6th avenues.....	Nov. 1, 1837,	1,267 21	265 00
John Quin, <i>Contractor</i> . Assigned to Wm. V. Braday and Thomas Dolan.			
Filling low grounds, 110th and 111th streets and 7th and 8th avenues.....	Jan. 26, 1838,	2,893 20	556 94
John Quin, <i>Contractor</i> . Assigned to H. R. Swan.			
		\$77,197 67	\$12,341 37
TOTAL.....		\$89,539 04	

Filling low ground between 108th and 109th streets, and 5th avenue
and Kingsbridge road, confirmed June 28th, 1837,.....\$1,608 76
Filling low grounds between 105th and 108th streets, and
6th and 8th avenues, confirmed September 27th, 1837,.....1,422 24

Amount due the Corporation,.....\$2,031 00

DOCUMENT No. 23.

BOARD OF ALDERMEN,

NOVEMBER 2, 1840.

*Report of the Law Committee of the Board of Aldermen,
on the Application of the Weighers of Anthracite Coal,
for an amendment of the Law.*

SAMUEL J. WILLIS, CLERK.

The Committee on Laws, &c., of the Board of Aldermen, to whom was referred the petition of the Weighers of Anthracite Coal, together with a remonstrance thereto, and an ordinance, and a report thereon from the Board of Assistant Aldermen, respectfully

REPORT:

That your Committee having attentively considered this ordinance and the accompanying papers, recommend a concurrence with the Board of Assistant Aldermen in the adoption of this ordinance, with an amendment to the 2d section, making further provision for the actual weighing of the coal

by the City Weighers, before any certificate of the weight thereof shall be made out or allowed by them.

The second Section, as proposed to be amended by your Committee, will read as follows :

§ 2. That section twelve of said Chapter and Title be so amended as to read as follows :

No cartman shall cart or deliver any load of coal without such certificate as mentioned in the last section, under the penalty of twenty dollars for each and every offence ; and no Weigher shall sign or deliver such certificate to any cartman or other person, without being present and first actually weighing the coal for which such certificate is given, under the penalty of twenty dollars for every such offence, or the forfeiture of his office, or both, in the discretion of the Court before whom the suit for the violation of the ordinance shall be brought.

JOSIAH RICH,
JAMES FERRIS.

BOARD OF ASSISTANTS.

Report of the Committee on Laws, &c., on the Petition relative to the Weighing of Anthracite or Hard Coal.

The Committee on Laws and Applications to the Legislature, to whom was referred the petition for an alteration of the ordinance passed May 14, 1839, providing for the weighing of anthracite or hard coal, respectfully

REPORT :

That they have carefully considered the matters referred to them, and are satisfied the present provisions of the ordinance opens the door to great abuses.

It is provided in the seventh section of the ordinance, that the previous provisions of the ordinance, requiring all hard coal to be weighed by one of the City Weighers, shall not apply "When the purchaser shall request no writing at the times of the purchase, and before the delivery thereof, that the said coal purchased by him shall not be weighed by an authorized Weigher, and shall direct that the same be weighed, either by himself or his authorized agent, or the seller.

It is very apparent that this provision is broad enough to defeat the whole operation of the ordinance ; and such, your Committee understand is the effect in practice.

It is easy for the seller, when he wishes to dispose of less coal than the amount required for a ton, to say that the purchaser does not wish it weighed, and thus defeat the ordi-

nance; while the honest purchaser, who is acting under the belief that his coal has been weighed by a duly appointed Weigher, knows nothing of this evasion of the law.

Your Committee can see no reason why, if the ordinance is beneficial at all, provision should be made for its evasion so easily, and they therefore recommend a repeal of the seventh section of the present ordinance.

They also recommend, that the penalties mentioned in the sixth and twelfth sections of the present ordinance be altered to twenty dollars instead of five; and that the twelfth section of said ordinance be amended by omitting such parts thereof as refer to the memorandum to be signed by the purchaser, when he does not wish the coal to be weighed.

In conclusion, your Committee recommend the passage of the annexed ordinance.

All which is respectfully submitted.

HENRY E. DAVIES,
BENTON W. HALSEY,
DANIEL WARD.

AN ORDINANCE

TO AMEND THE ORDINANCE IN RELATION TO THE
WEIGHING OF ANTHRACITE OR HARD COAL.

*The Mayor, Aldermen and Commonalty of the City of
New York in Common Council convened, do ordain as
follows :*

§ I. That section sixth of Title II., Chapter 49, of the City Ordinances, passed May 14, 1839, be amended, so as to make the penalty in said section twenty dollars instead of five dollars ; and that section seventh of said Title and Chapter, be, and the same is hereby repealed.

§ II. That section twelve of said Chapter and Title be so amended as to read as follows:

No cartman shall cart or deliver any load of coal without such certificate as mentioned in the last section, under the penalty of twenty dollars for each and every offence.

§ III. All parts of the said ordinance hereby amended as are inconsistent with the provisions of this ordinance, be, and the same are hereby repealed.

DOCUMENT No. 24.

BOARD OF ALDERMEN,

MARCH 23, 1840.

Report of the Law Committee, concurring with the Board of Assistant Aldermen, on the ordinance to provide for the accountability of the Executive Committees of the Common Council. Laid on the table.

THOMAS BOLTON, CLERK.

Resolved, That it be referred to the Committee on Laws and Applications to the Legislature, to inquire and report upon the propriety of so amending the different Laws and Ordinances, as to require all Committees of this Board to report the amount of any expenditures of the public money which shall exceed fifty dollars in amount, prior to its being expended.

T. G. TALMAGE.

The Law Committee of the Board of Aldermen, to whom was referred a resolution of this Board, respecting the expen-

ditures of the public money by the Committees thereof, and to whom was also referred an ordinance from the Board of Assistant Aldermen, to provide for the accountability of Executive Committees of the Common Council, respectfully

REPORT:

That the twenty-first Article of the Amended Charter of our City, provides that the executive business of the Common Council shall be performed by distinct departments, to be organized and appointed for that purpose; and the City Ordinances further provide for the application of all monies, and the accountability of officers; and until such departments are fully organized, and so long as any portion of the executive business of the Common Council continues to be performed by any of its Committees, it seems to be reasonable and proper that a strict and systematic accountability of all their executive acts and doings should be required.

Your Committee have examined the ordinance passed by the Board of Assistant Aldermen for the attainment of this object, and they recommend a concurrence in the law.

C. S. WOODHULL,
JAMES FERRIS.

AN ORDINANCE

TO PROVIDE FOR THE ACCOUNTABILITY OF EXECUTIVE
COMMITTEES OF THE COMMON COUNCIL.

Whereas, By divers ordinances and resolutions, heretofore adopted by the Mayor, Aldermen and Commonalty of the City of New York, various powers, involving the expenditure of public money, are vested in certain Committees of both Boards of the Common Council, denominated the Committees on Roads and Canals, the Committees on Lamps and Gas, the Committees on Fire and Water, the Committees on Markets, the Committees on Public Offices and Repairs, the Committees on Finance, the Special Joint Committee on Public Buildings, and other Committees of the Common Council:

And whereas, by reason of a defect in the provisions of the existing ordinances, the said Committees are not required to report their doings in the premises to the Common Council, in consequence whereof the representatives of the people in the Common Council are deprived of a full and proper opportunity of examining and passing upon the conduct of the said Committees, who are but their subordinate agents :

And whereas a due regard for the public interest demands that proper provisions should be made for a strict accountability on the part of the said Committees, and of all other

Committees upon whom powers may be hereafter conferred, therefore,

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows :

Sec. 1. The Committees on Roads and Canals, the Committees on Lamps and Gas, the Committees on Fire and Water, the Committees on Markets, the Committees on Public Offices and Repairs, the Committees on Finance, the Special Joint Committee on Public Buildings, and all other Committees, of either or both Boards of the Common Council, upon whom any powers are conferred, by any ordinance or resolution of the Common Council to authorize or audit the expenditure of the public money, to receive proposals for the public service, to construct or repair public buildings or property, or to do any other act whatsoever, excepting to report upon matters referred to them for the action of the Common Council, shall be required to report to one of the Boards of the Common Council at its next regular meeting, after they shall have acted thereon, all resolutions or other proceedings which may have been finally acted on by such Committees, stating what members of such Committees may have been present at such final action, and the ayes and noes thereon. The Clerk of the Board, to whom the same shall be communicated, shall forthwith cause such report to be printed as a document of the said Board, and shall furnish the same to the Clerk of the other Board, and either Board shall be thereupon deemed to be "possessed thereof, so as to take such original action, thereon as may be deemed necessary.

Sec. 2. The preceding section shall be construed to extend to Standing or Special Committees of both Boards in reference to powers to be hereafter conferred upon them by special concurrent resolutions, as well as to the duties and powers of the Standing or other Committees of both Boards

therein referred to, derived from the ordinances of the Common Council.

Sec. 3. No resolution or action of a Joint Committee of both Boards, whether the same shall be a Standing or Special Committee shall be valid, unless the same be adopted by a majority of the members from each Board composing the said Committee, and the ayes and noes shall, in all cases, be taken on the final action of such Joint Committee, and entered or endorsed thereon.

Sec. 4. Where the action of a Committee of both Boards involves the appropriation of money, the Comptroller shall not issue his warrant or pay out any money thereon, until the resolution authorizing the same, signed by a majority of the members from each Board composing the said Committee shall have been filed in his office.

Offered by

D. GRAHAM, Jun.

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DOCUMENT No. 25.

BOARD OF ALDERMEN,

NOVEMBER, 16, 1840.

Report of the Committee on Finance in reference to the petition of Moses Fargo, Collector of the Eleventh Ward, in relation to the settlement of his account. Laid on the table.

SAMUEL J. WILLIS, CLERK.

The Finance Committee of the Board of Aldermen, to whom was referred the petition of Moses Fargo, Collector of the Eleventh Ward, in relation to the settlement of his accounts, respectfully

REPORT:

That by the law of the State regulating the collection of taxes, passed April 13th, 1839, it is provided that, "Whenever any tax of any description on the estates, real or personal, of the freeholders and inhabitants of, and situated in the City of New York, shall remain unpaid on the 10th day of February next ensuing, the time prescribed by law for the

delivery of the assessment rolls to the Collectors in the said city, it shall be lawful for the Collector whose duty it may be to collect such tax, to charge, receive and collect in addition to the amount of such tax, one per cent. upon the amount thereof; and to charge, receive and collect upon such tax so remaining unpaid on the first day of each month, between the month of February and the time prescribed by law for the Collectors in the said city to make their returns to the Chamberlain or Treasurer thereof, a further addition or increase of one per cent. upon the amount of such tax; and such increase or per centage shall be paid over and accounted for by such Collector, as a part of the tax collected by him."

Your Committce are informed by the Comptroller that he caused a written notice to be sent to each of the Collectors previous to the 10th February, and another one previous to the first of March, directing their attention to the provisions of the statute above stated, and informing them that the accounts would be made up and settled in accordance therewith, and that they must, therefore, collect the above per centage according to law. The per centage alluded to, should be looked upon rather as a penalty for the non-payment of the tax at an earlier period, than as interest thereon, and it is exceedingly questionable whether the Collectors have any more right to remit that penalty, than they have to remit the tax itself, unless it is paid by themselves, as it would have to be in the latter case. Did they possess this power the very design of the law, which is to induce the early payment of the tax, would be frustrated, and it would also give a discretion to the Collectors which might be extended into favoritism, or used for the purposes of personal popularity, to a degree highly prejudicial to the public interests; and it is besides a discretionary power which should be vested only in the Common Council itself. The very language of the statute precludes the idea that the Collectors have any discretion: it says that "such increase or per cent-

age *shall* be paid over and accounted for by such Collector as a part of the tax collected by him." The plea of want of information in relation to the subject, cannot be interposed by the Collectors, as they were not only in the first instance, but again a second time advised by the Comptroller of the provisions of the statute, and of his intention to adjust and settle their accounts in accordance therewith. Your Committee are therefore of the opinion that the prayer of the petitioner should be denied.

All which is respectfully submitted.

WILLIAM CHAMBERLAIN,
PETER COOPER,
EGBERT BENSON.

DOCUMENT No. 26.

BOARD OF ALDERMEN,

NOVEMBER 16, 1840.

Report of the Committee on Finance, in relation to the petition of Calvin Sweezey, in reference to a release of a portion of property under mortgage to the Corporation. Adopted.

SAMUEL J. WILLIS, CLERK.

The Finance Committee of the Board of Aldermen, to whom was referred the petition of Calvin Sweezey, relative to the release of certain mortgaged premises; respectfully

REPORT:

That the petitioner asks for a release of a certain portion of the mortgaged premises, specified in a mortgage received by the Corporation under the Fire Loan Law, upon the payment of a portion of the said mortgage.

By the 17th section of the Ordinances of the Common Council in relation to the Fire Loan Stock, and under which

ordinances the money was borrowed and the foregoing stock was issued, it is provided that upon the receipt in full of the amount of the mortgage, the Corporation shall execute the necessary acknowledgment of the satisfaction of said mortgage; but it is also distinctly provided that "no release of any part of the premises contained in any such mortgage from the lien created by such mortgage thereon, *shall* be made or executed, or *authorized* by the Common Council."

By this it would appear that the Common Council have made a direct pledge to their creditors that they will not release any portion of the premises included in any such mortgage, upon the receipt of a part of the said mortgage, but that to obtain such release the whole amount of the mortgage must be paid and settled. Any such release would, therefore, be a breach of faith on the part of the public authorities toward their creditors. Too much care or precaution cannot be used in the preservation of confidence between the lender and borrower of money. It is upon that foundation, and that alone, that public credit can be sustained. Impair that and all is at sea; the basis is undermined, and the structure must fall. Such should, therefore, be the action of the Common Council that it would rather tend to promote than impair the necessary confidence between borrower and lender; and though it may, in some cases, bear hard upon individuals who have mortgages to the Corporation, it should nevertheless be rigidly adhered to. The provision of the ordinance was to prevent the Corporation from releasing the more valuable portion of mortgaged premises, and having the less valuable left upon their hands, at a rate, perhaps, far exceeding their real value. This only could be prevented by close and rigid examination by competent persons, without such provision; but with it no such labor and responsibility is required. The apparent hardness of the case is also, in a great degree, if not entirely, removed by the fact, that if the various portions of the property are actually worth the sum affixed to them by

the mortgagers, they can, under almost any circumstances, raise the amount that they may require upon them, from other sources than the Corporation. With these views of the question your Committee are of the opinion that the prayer of the petitioner should not be granted.

All which is respectfully submitted.

WILLIAM CHAMBERLAIN,
PETER COOPER,
EGBERT BENSON.



DOCUMENT No. 27.

BOARD OF ALDERMEN,

NOVEMBER 16, 1840.

*Report of the Committee on Arts and Sciences and Schools,
in favor of granting certain land to the New York Insti-
tution for the Instruction of the Deaf and Dumb. Laid
on the table and ordered to be printed.*

SAMUEL J. WILLIS, CLERK.

The Committee on Arts, Sciences and Schools of the Board of Aldermen, to whom was referred the petition of the Managers of the Institution for the Instruction of the Deaf and Dumb, for a grant of land 200 feet square, on the Fourth avenue and Forty-ninth and Fiftieth streets, and the annexed report and resolution from the Board of Assistant Aldermen, respectfully

REPORT:

That they have considered the same, and for the reasons stated in the report from the other Board, they recommend a concurrence in the said resolution.

Respectfully submitted.

DAVID GRAHAM, Jun.
PETER COOPER.

BOARD OF ASSISTANT ALDERMEN,

AUGUST 3 1840.

The Committee on Arts, Sciences and Schools, of the Board of Assistant Aldermen, to whom was referred the annexed petition of the New York Institution for the Instruction of the Deaf and Dumb, for a grant of land, beg leave to

REPORT :

That they have examined into the subject matter referred to them, and are of opinion that the prayer of the petition should be granted. The Institution for the Deaf and Dumb is one of the noblest charities of this or any other country. The support and education of deaf mutes is an enterprise which appeals to our most benevolent feelings, and secures the best wishes of every good citizen. Considered in this light, and in view of the great advantages it confers upon society, the Committee feel no hesitation in expressing it as their opinion that the institution in question is entitled, in an eminent degree, to the patronage of the Common Council.

The land asked to be released to the Institution for the Deaf and Dumb, is situated on the Fourth avenue, between

Forty-ninth and Fiftieth streets, and in extent is about 200 feet square. This land is now occupied by the institution, on a lease from the city, and is desired by them in fee, for the purpose of erecting permanent workshops thereon, for the instruction of the deaf mutes in the useful mechanic arts. The importance of instruction to the inmates, in mechanical science, will not only contribute greatly to their means of happiness in later life, by giving them the facilities of obtaining employment for both mind and body, but will enable them to obtain the means of subsistence by their own exertions, and will thus relieve the city, in all probability, from the expense of maintaining a large portion of them hereafter. In this way the City of New York will be greatly benefited; and if great future expense can be avoided, by granting, at the present time, to the Institution, a tract of land now possessing but little value, it is the dictate of sound policy to adopt that course.

It is stated in the petition hereunto annexed, and of the fact your Committee entertain no doubt, that the Legislature of the State will furnish the funds for the erection of the necessary buildings, provided the Common Council of this city grant the land necessary for the purpose. Similar grants have frequently been made to other charitable institutions possessing no stronger claims upon the bounty of the city than the petitioners.

Your Committee offer for adoption the following resolution :

Resolved, That the Counsel of the Corporation, under the direction of the Committees of Finance of both Boards, execute to the New York Institution for the Instruction of the Deaf and Dumb, a release of the property now held on lease from the City of New York by the said Institution, lying between the east line of the land now belonging to said Institution and the Fourth avenue and Forty-ninth and Fiftieth streets, provided the said Committees are satisfied that

the Legislature of this State will grant to said Institution sufficient funds for the erection of proper buildings thereon, for the instruction of the inmates of said Institution in the mechanic arts.

Respectfully submitted.

MOSES G. LEONARD,
BENTON W. HALSEY.

DOCUMENT No. 28.

BOARD OF ALDERMEN,

NOVEMBER, 30, 1840.

*Communication to the Honorable the Common Council of
the City of New York, in reference to a re-organiza-
tion of the Fire and Watch Department of this City.
Laid on the table and ordered to be printed.*

SAMUEL J. WILLIS, CLERK.

The subscriber respectfully

REPRESENTS:

That in his opinion the proper organization of the Fire and Watch Department of this City, are subjects of such deep and vital importance, that it should receive from every member of this community that deliberate consideration which the importance of the subject so imperiously demands. Under this impression the subscriber has thought proper to suggest, for the consideration of the Honorable the Common Council of this City, whether it would not be most

safe, in the re-organization of said department, to make the connection between interest and duty stand forth as plain and self-evident as possible.

To do this the subscriber would propose to estimate the average of the loss and damage by fire for the last forty or fifty years, and then put the Fire and Watchmen under such day pay as will allow of reserving two shillings per day from the wages of each man, to form a fund, to be forfeited to the Corporation in the event of the loss and damage by fire exceeding the aforesaid average : said amount or fund to be returned to the Fire and Watchmen, at the end of every year, when it shall be ascertained that the loss and damage by fire has been less than the average agreed on.

Such an arrangement, making it the interest of every member of the department to keep a constant watch against incendiaries, and to give the earliest possible alarm in the event of fire, and the proper direction by which it may be found, would, in the opinion of the subscriber, greatly promote the interest of this community.

As a further stimulus to secure the faithful performance of every duty, the subscriber would respectfully propose that the different Insurance Companies be requested to offer the greatest per centage that they would be willing to give on all that the amount of loss and damage by fire can be reduced below the average. Said sum to be divided among and paid to the members forming this department, as a reward for their exertions and success.

The great advantage of this plan, will be to make it the direct interest of every Fire and Watchman to exert their united efforts to save the greatest possible amount of property in their power.

It will be admitted by all, at once, that a very great amount of property can be saved that is now annually destroyed by fires and by the flood of water used by persons feeling no direct interest in the amount of property destroyed. It will be readily perceived how great a restraint will be exerted

over incendiaries, when they are made to know that the Fire and Watchmen are not only clothed with authority to arrest every suspicious person found lurking about fires, but that it will be to their *immediate interest* as well as their *duty* to do so.

The subscriber would respectfully propose, that it should be made the duty of the Chief Engineer and Captains of the Watch to take and subscribe an oath, and also to give security in the sum of five thousand dollars, that they will select the men to form the Fire and Water Department, with entire reference to their fitness to discharge the duties of Fire and Watchmen of this City. And that they will not either directly or indirectly, under any circumstances whatever, allow the *political* or *religious opinions* of any man to be called in question, in any manner or form, as a test to his fitness for, or in relation to his appointment as a member of this department. And that they will require from every man the evidence of good moral character, and such physical qualifications as will fit him for the duties of the Fire and Watch Department of the City of New York.

The subscriber would also respectfully suggest the propriety of connecting with this department the Day Police of our City.

PETER COOPER.

The first of these is the fact that the
 government has been unable to secure
 the necessary funds to carry out its
 policy of expansion.

The second is the fact that the
 government has been unable to secure
 the necessary funds to carry out its
 policy of expansion.

The third is the fact that the
 government has been unable to secure
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 policy of expansion.

The sixth is the fact that the
 government has been unable to secure
 the necessary funds to carry out its
 policy of expansion.

DOCUMENT No. 29.

BOARD OF ALDERMEN,

NOVEMBER 30, 1840.

*Report of the Committee on Public Offices and Repairs,
on altering the Old Watch House in Eldridge street
into a Debtors' Jail. Laid on the table.*

SAMUEL J. WILLIS, CLERK.

Resolved, That it be referred to the Committee on Public Offices and Repairs, to inquire into the expediency and expense of fitting up the Watch House in Eldridge street as a Debtors' Jail.

By E. BENSON.

The Committee on Public Offices and Repairs, to whom the annexed resolution was referred "to inquire into the ex-

pediency and expense of fitting up the Watch House in Eldridge street as a Debtors' Jail, respectfully

REPORT:

That the Committee have examined the same: they find it a substantial brick building, situated on the east side of Eldridge street, about midway between Walker and Division streets, on a lot twenty-five feet front by ninety feet in depth, and is two stories in height, twenty-five feet wide, and fifty feet deep, with a wooden addition of one story high, and twenty-two and a half feet in depth across the rear of the main building, and also across the rear of the adjoining building, occupied as an engine house.

These premises were formerly used by the Second District Watch, but are now unoccupied. The walls of the main building are twelve inches thick, with stone foundation around a good dry cellar now partitioned off for a place for fuel, and into five cells, with strong plank divisions, doors and bolts. The first and second stories have high ceilings, the second story with three windows each front and rear; the roof is slated, has a steep pitch, surmounted with a cupola, making a spacious attic or garret.

Your Committee, on viewing the premises, are of opinion that the building could be so altered and fitted as to answer the purpose of a Debtors' Jail and place of detention for witnesses, and probably it would accommodate as many as may be required to be thus confined. Your Committee, on inquiry, find that the number confined with the Deputy Sheriff has averaged some twelve or fifteen persons in the last year in addition to these, and those witnesses confined in the criminal side of the prison for want of surety for their appearance, and it is particularly this class of persons, that your Committee think should be secured separate and apart from criminals. The location of this building is high, airy and health-

ful, and for these reasons would be suitable for the proposed purpose.

Your Committee have caused to be made a sketch or plan of the manner of fitting and arranging the building for the use contemplated, which they present herewith. Their design is, that it shall be done in a substantial manner, but at the same time without unnecessary expense. A stone stoop, with an iron railing, would probably be required. There are now two doors in front, one to be altered into a window; a hall to be made through to the yard; the stairs to be placed on this side, from the cellar to the garret; the first floor to be divided into two rooms, with a closet between. This will require two chimneys to be built on the south side; (there is now but one flue or chimney only;) the shed in the rear to be converted into a kitchen. This story will accommodate the Keeper and his family. The second story to be divided into cells, a row on each side, about eight feet by six feet each; with a hall, or lobby, about eight feet wide, running from front to rear, where there is a window at each end. This will make thirteen cells, that can lodge two persons each; and, by a grating in the partitions, can have light and air from the windows front and rear, and from the lobby. The garret could also be fitted up with cells or bed-rooms, if required. The cells in the cellar could remain as they are, and might be used as a place of punishment for those who are disorderly, or who purposely keep their cells in a filthy state; which is often the fact, as your Committee are assured, in the present Debtors' Prison.

By an estimate made by the Superintendent of Buildings, it is supposed that the alterations and fitting up, in accordance with the suggestions herewith, may be done at an expense probably not to exceed two thousand five hundred dollars.

Your Committee submit these views to the consideration of the Common Council, with this additional remark: that the present Debtors' Prison has several times been presented by

Grand Jurors as unfit for the purpose; and also that the Criminal Prison does not contain any hospital, or accommodations for sick prisoners. Perhaps, if the debtors were removed to the building under consideration, the part now occupied by them could be arranged as a hospital, or infirmary, for sick and ailing prisoners, and thus dispose of both of the evils complained of.

The Committee offer the following resolution :

Resolved, That the sum of twenty-five hundred dollars be, and the same is hereby appropriated for the purpose of altering and arranging the building in Eldridge street, (formerly occupied as a Watch House,) as a Debtors' Jail, and place of detention for witnesses confined for the want of surety for their appearance, and that the same be expended under the direction of the Committee on Public Offices and Repairs.

ELIAS L. SMITH,
SAMUEL NICHOLS,
FREEMAN CAMPBELL.

DOCUMENT No. 30.

BOARD OF ALDERMEN,

NOVEMBER 30, 1840.

Report of the Committee on Charity and Alms House, on the Communication of the Commissioners of the Alms House, relative to the Lunatic Asylum. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Charity and Alms House, to whom was referred the annexed communication from the Commissioners of the Alms House, in relation to additional accommodations on Blackwell's Island for the lunatics, and asking an appropriation of \$15,000,

REPORT :

That in consideration of the great importance of the subject referred to your Committee, they have bestowed much time and reflection on the same, and are of the decided opinion that further accommodations are required for the comfort, convenience and safety of that unfortunate class of beings, bereft of Heaven's best blessing to man—Reason.

From frequent visits to the Asylum, and personal interview with the Resident Physician at Bellevue, your Committee are prepared to present the following statements of facts relative to the number of patients admitted on the opening of the Asylum, their increase, as also the extent of the accommodations in the present buildings, for the information and consideration of this Board, which are as follows :

The Asylum was opened for the reception of patients in June, 1839, and on the 12th July the number of patients admitted were 196.

In November, 1840, according to the report of the Resident Physician, it contained 278, making an increase in sixteen months of 114, exclusive of deaths and discharges.

The whole number of rooms contained in the main building	104
Occupied by Keepers and as store rooms.....	7
Leaving for the use of patients	97
The new building lately erected opposite and contiguous to the main building, and used as a mad house, contains, rooms	72
Occupied by Keepers, &c.	5
Leaving for use of the patients.....	67

By a recapitulation it will be perceived that the total number of patients is 278—total of rooms for their accommodation 164—leaving the number of 114 patients unprovided with rooms.

Thus from the necessity of the case the Keepers are obliged to place two in a room, by which arrangement 228 persons are in constant danger of injuring each other, and jeopardizing their lives; a practice, in the opinion of your Committee, utterly wrong—and, using the language of the Resident Physician, totally inadmissible in any other asylum for the insane.

Your Committee respectfully suggest the necessity of the immediate enlargement of the accommodations, by a continuation of the centre or main front from the octagon of the present wing, 200 feet to the main centre building, as per plan adopted by the Common Council in 1835, and hereunto annexed.

And at the same time recommend the erection of another outbuilding or mad house of similar size to the one already erected, to be erected on the east side of the island, on a line with the present one, and opposite to a point, in the event of the whole entire building being completed, according to the plan above specified, where the south octagon would reach; so as to retain a uniform appearance, and in the end to be used as a female mad house, contiguous to that part of the main building, to be appropriated for their accommodation.

The erection of said buildings will be of essential service, as it will not only afford greater accommodation, but will enable the sexes to be effectually separated, and render an opportunity of classifying the inmates, which must be considered of the utmost importance in an institution for the insane.

Your Committee therefore recommend for adoption the following resolutions :

Resolved, That the Lunatic Asylum on Blackwell's Island be extended from the octagon of the north wing 200 feet south, to the main centre building, as per plan adopted by the Common Council in 1835, and that the Committee on Charity and Alms House prepare specifications and contracts for the building of the same.

Resolved, That a building of similar size to the one already erected opposite to the main building, and used as a mad house, be erected on the east side of the island, and on a line with the present mad house, and opposite to a point where the north octagon would be located in the event of

the entire building being completed according to the plan adopted in 1835, and that the Committee on Charity and Alms House be directed to procure a plan and specification, and contract for the erection of said building.

Resolved, That the Commissioners of the Alms House, &c. direct the Superintendent of Blackwell's Island, to apply the labor of the prisoners on the island, in such mode as may best enable the construction of said building with all reasonable despatch, or as the Committee having the same in charge may direct; and that all stone now quarried, or which may be quarried on said island, and adjacent to said locations, be applied in the erection of said buildings.

Resolved, That the sum of thirty thousand dollars be, and is hereby appropriated towards the erection of the said buildings.

All of which is respectfully submitted.

JAMES FERRIS,
EGBERT BENSON,
NATHANIEL JARVIS.

DOCUMENT No. 31.

BOARD OF ALDERMEN,

DECEMBER 14, 1840.

Preamble and Resolutions (offered by Alderman Benson,) relative to the amounts due Contractors for building sewers, regulating streets and avenues, &c. &c. Laid on the table and ordered to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

WHEREAS, there are large amounts due several persons, contractors for building sewers, regulating streets and avenues, and paving and setting curb and gutters, and also for filling low and sunken grounds, (as set forth in the printed schedule annexed,) and which improvements were made and work done, in pursuance of the several respective ordinances of the Common Council, and which were to be paid for by assessments on the property benefited, and as soon as the amounts of said assessments were collected—and, whereas, the said assessments levied in pursuance of said ordinances, have been for some time confirmed, but collections of the same

only in part made, and most of them returned as unpaid, and uncollectable, and the property liable thereto, and on which the same were a lien, agreeably to the Laws of the State, advertised and offered for sale by the Street Commissioner, at the recent sale of property for assessments; but the amount due on said assessments could not be realized, by reason of there being no bids at such sale for said property; the amounts of said assessments, being more than the present market value of said property so liable, in consequence whereof, the said contractors are still unpaid. The Common Council, in order to relieve them, and anticipating the collection of said assessments, and which may hereafter be made, and trusting that they may be authorized by the Legislature to raise by tax, the amount which they may so advance, and to secure themselves and the City Treasury from any loss, by being authorized to purchase in at any sale such property, for which there may be no bids, do adopt the following resolutions :

Resolved, That the Comptroller be authorized to pay the several contractors the amounts respectively due them for the several improvements made in pursuance of the ordinances of the Common Council, in all cases where the property assessed therefor, as benefited by such improvement, has been offered for sale, and could not be sold by reason of a want of any bid at the recent sale of property for assessments; such payments to be made on the 15th day of August next.

Resolved, That the Comptroller include the estimated amount required for the above payments, in the amount of the next Annual Tax Bill, to be applied for to the Legislature.

Resolved, That the Counsel to the Corporation, under the direction of the Finance Committees, take measures to ob-

tain a revision of the assessments for filling low grounds from One hundred and fifteenth to One hundred and twenty-fourth streets, and from the Fifth to the Eighth avenue, and the amounts of which assessments are now directed to be advanced, as may be judged expedient and agreeable to law.

Resolved, That the Counsel prepare a law, under the direction of the Law Committees, to be passed by the Legislature, authorizing the Corporation to become the purchasers of property which may hereafter be offered for sale for payment of assessments agreeably to law, to refund them for any advances which may have been made by them to contractors or others, for the improvements for which such assessments were imposed: such law to contain all needful provisions to secure the rights of parties interested therein, and that such property be held as a trust fund to repay such advances.

STATEMENT OF AMOUNTS DUE CONTRACTORS.

	<i>When confirmed.</i>	<i>Amount.</i>	<i>Interest.</i>
Filling Sun Fish Pond.....	Feb. 28, 1839,	\$ 917 26	\$ 90 96
Robert Pettigrew, <i>Contractor.</i>			
Paving Beaver street	Nov. 8, 1837,	75 16	
Peter Smith, <i>Contractor.</i>			
Sewer in 122d street.....	Dec. 6, 1838,	3,945 03	529 28
John C. Tucker, <i>Contractor.</i>			
Regulating 122d street.....	March 28, 1838,	3,021 89	541 22
Regulating 86th street.....	Nov. 2, 1838,	661 70	91 33
Meggs & Hubbs, <i>Contractors.</i>			
Assigned to John Meggs.			
Regulating carriage way of 3d avenue, between 114th and 125th streets.....	Jan. 26, 1838,	200 27	38 34
Meggs & Hubbs, <i>Contractors.</i>			
Assigned to Peter Smith.			
Regulating 10th avenue, from 40th to 50th street.....	Jan. 23, 1839,	3,942 48	482 98
Saml. S. Wendell, <i>Contractor.</i>			
Assigned to John M. Secor.			
Regulating sidewalks of 3d avenue, from 40th to 61st street	Dec. 23, 1837,	2,370 82	470 21
Curb and gutter in 3d avenue, from 40th to 61st street....	April 26, 1838,	531 52	111 01
Peter Quin, <i>Contractor.</i>			
Assigned to Wm. Colgate.			
Regulating 9th avenue.....	July 26, 1838,	126 88	20 72
Thos. Cummings, <i>Contractor.</i>			
Assigned to But. and D. Bank.			
Regulating 31st street	Jan. 17, 1839,	2,636 14	565 23
Regulating curb and gutter in 8th avenue, from 24th to 42d street.....	Dec. 28, 1838,	1,955 09	393 23
Thos. Cummings, <i>Contractor.</i>			
Well and pump in 40th street	Dec. 19, 1838,	9 00	1 73
John Waddle, <i>Contractor.</i>			
Regulating 42d street	Nov. 28, 1838.	911 43	121 03
P. Doherty, <i>Contractor.</i>			
Carried forward		\$21,304 67	\$3,457 27

	<i>When confirmed.</i>	<i>Amount.</i>	<i>Interest.</i>
Brought forward.....		\$21,304 67	\$3,457 27
Sewer in 17th street.....	Dec. 20, 1837,	111 62	22 13
Geo. A. Furst, <i>Contractor</i> .			
Assigned to N. York Life and Trust Company.			
Curb and gutter in 3d avenue, from 110th to 125th street..	Dec. 6, 1837,	406 80	81 82
Thos. Cummings, <i>Contractor</i> .			
Assigned to Wm. H. Harrison.			
Curb and gutter in 125th street	April 4, 1838,	105 33	18 72
Wm. Forgay, <i>Contractor</i> .			
Assigned to Mechanics' and Traders' Bank.			
Filling low grounds from 117th to 120th street, and 5th to 7th avenue.....	June 21, 1838,	2,127 20	347 44
John Quin, <i>Contractor</i> .			
Assigned to George Lovett.			
Filling low grounds from 115th to 124th street, and from 5th to 8th avenue.....	March 8, 1839,	18,907 92	2,129 06
John Quin, <i>Contractor</i> .			
Assigned to G. H. Paddock.			
Filling low ground between 116th and 118th streets, and 5th and 6th avenues	Nov. 1, 1837,	1,267 21	265 00
John Quin, <i>Contractor</i> .			
Assigned to Wm. V. Braday and Thomas Dolan.			
Filling low grounds between 110th and 111th streets and 7th and 8th avenues	Jan. 26, 1838,	2,893 20	556 94
John Quin, <i>Contractor</i> .			
Assigned to H. R. Swan.			
		\$47,123 95	\$6,878 38
TOTAL.....		\$54,002 33	

Filling low grounds between 108th and 109th streets, and 5th avenue
and Kingsbridge road, confirmed June 28th, 1837,\$1,608 76

Filling low grounds between 105th and 108th streets, and
6th and 8th avenues, confirmed September 27th, 1837,1,422 24

Amount due the Corporation,\$2,031 00

REPORT

OF THE

SPECIAL COMMITTEE

TO WHOM WAS REFERRED

THE

Communication from the Water Commissioners,

A REPORT OF THE.

Croton Aqueduct Committee,

AND

AN OPINION OF THE COUNSEL

IN RELATION TO THE POWERS AND DUTIES OF THE

WATER COMMISSIONERS;

TOGETHER WITH ACCOMPANYING DOCUMENTS.

BRYANT AND ROGGS, PRINTERS.

1811

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DOCUMENT No. 32.

BOARD OF ALDERMEN,

DECEMBER 22, 1840.

The Special Committee, to whom was referred the Communication from the Water Commissioners, a report of the Croton Aqueduct Committee, and an opinion of the Counsel, in relation to the powers and duties of the Water Commissioners, &c. &c., presented a report thereon, which was laid on the table and directed to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

The Special Committee, to whom were referred the several communications of the Water Commissioners, together with a report of the Croton Aqueduct Committee, and an opinion of the Counsel of the Corporation thereunto annexed, in reference to the powers and duties of the Water Commissioners and the Croton Aqueduct Committee, in relation to the distribution of the Croton water in the City of New York, do

REPORT:

That your Committee have examined the above documents, and have given to the Water Commissioners every opportunity to make out the charges, which they had brought against the ordinance of the Corporation, and the course of the Croton Aqueduct Committee—and after a patient hearing of many hours, the Water Commissioners were constrained to acknowledge that the whole matter had been so far explained to their satisfaction, that (to use the language of the Chairman of their Board) the whole subject “resolved itself into a mere question of law, whether the power to distribute the Croton water was entirely with them, or whether the Corporation have the right to carry on the work of laying down the pipes for the distribution of the water,” as they have done from the commencement of the work to the present time, which is about twelve years.

In reference to this right, it will be proper to quote the opinion of the late Board of Water Commissioners; who in their report of the 2d of January last, to the Common Council, say that

“We have now arrived, in our brief description, at the termination of the work; so far, at least, as the supervision of the Commissioners is concerned. That part of it which relates to the distribution of the water through the streets of the city, is the proper province of the Corporation, and will be performed under their special supervision.

[Signed]

“STEPHEN ALLEN,

“WM. W. FOX,

“THOMAS T. WOODRUFF,

“CHARLES DUSENBURY,

“SAUL ALLEY,

“*Water Commissioners.*”

This opinion, so apparently conclusive in itself, will receive additional confirmation from the letter of Stephen

Allen, late Chairman of the Board of Water Commissioners, hereunto annexed :

December 21st, 1840.

PETER COOPER, ESQ.

Dear Sir :—Your letter of the 17th was received on Saturday, but a press of other business has prevented my answering it until now.

You say, the present Water Commissioners claim the right of laying the water pipes through the streets of the city, and the Special Committee of the Common Council deem it desirable to obtain from you the practical views entertained by the late Board of Commissioners, in relation to the extent of their powers in the respect above referred to.

I have never had but one opinion on the subject, so far as the former Water Commissioners were concerned, and that is, that we had no authority to carry the water farther than the Distributing Reservoir at Murray's Hill; and I think I may with confidence say, that this was the unanimous opinion of my colleagues in the commission.

The plan which we proposed to the Common Council, and which was adopted by them, and by the electors through the ballot box, was to take the water from the Croton River and carry it to a distributing reservoir at Murray's Hill, between the Fifth and Sixth avenues, and Thirty-eighth and Fortieth streets; and all the estimates of the engineers who were employed on the work, were based on the termination of the work at that location. This idea you will find running through all our reports, as well that of 1833 (see Doc. 36 of that year) as by our final report and PLAN of 1835, (see Doc. 44 of 1835.) In an appendix to this report, we have subjoined an estimate, prepared by U. Wenman, Esq., then Water Purveyor, of the cost of completing the piping of the whole city, south of Twenty-third street; and in order that the total expense of the work might be seen, we added Mr. Wenman's estimate to that of the Engineers.—

How fallacious these estimates have proved, however, you have seen. The fact of our adding this estimate has been used as an argument that the laying of the pipes entered into our plan; but this is a far-fetched and incorrect conclusion. The plan, as I have before stated, and the estimates founded on it, was to bring the water to Murray's Hill and no farther.

In our semi-annual report of the 4th of January, 1838, Doc. 55, page 379, there may be found an estimate of the total cost of the work, excepting the pipes for conducting the water through the streets, which we had never considered as a portion of the work we were appointed to perform. Also, see our report of January 6th, 1840, Document 42, page 447, where we refer to the aforesaid estimate, and state the additional cost of crossing Harlaem River by a high bridge, &c. We then proceed, at page 450, to give a brief description of the whole line of aqueduct; and, in closing, at page 462, observe, "We have now arrived, in our brief description, at the termination of the work; so far, at least, as the supervision of the Commissioners is concerned. That part which relates to the distribution through the streets of the city is the proper province of the Corporation, and will be performed under their special supervision." There surely can be no stronger evidence afforded than the foregoing extract, to show what was the opinion of the late Commissioners on this subject. I beg leave, also, to refer you to a paper from the Commissioners, dated 22d February, 1836, Document 71, which farther shows, that all our estimates were based upon the termination of our work being at Murray's Hill.

The Common Council never claimed the application of the money raised under the Act of May, 1834, or any subsequent Act, to the laying of pipes through the streets, until 1838, when a section was introduced at the tail of the Tax Law, authorizing the Common Council to defray, out of the fund called the Water Stock, all expenses heretofore in-

curred, and hereafter to be incurred, by the Corporation, in procuring and laying water pipes in and for the City of New York. Here, the right of the Corporation to purchase and lay the pipes in the city, is broadly established ; but, upon what principle, or law, the present Water Commissioners found their claim to the right, I am uninformed.

It cannot be, as I think, upon the Act of May, 1834, or April, 1840. The 5th section of the Act of 1840, declares that the money to be raised by this Act shall be applied and expended according to the provisions of the Act of May, 1834. Now the provisions of that Act authorize a plan, to carry which into effect, the money raised and to be raised was to be expended ; and, as that plan terminated at Murray's Hill, then it follows that the expenditures of the Water Commissioners can only be applied to the fulfilment of that plan, and by the Corporation, under the 3rd section of the Act of March, 1838, to laying of the pipes through the streets of the city.

The 5th section of the Act of April, 1840, however, appears to give a controlling negative to any expenditure, whether for the aqueduct, or for distributing the water through the city, to the Water Commissioners and Comptroller of this City. I am unable to see the motive for this provision—a provision which may lead to a suspension of the works, if either the Commissioners, on the one hand, or the Comptroller, on the other, should choose to exercise the power conferred, in opposition to each other's views. This I should be very sorry to see, and hope will never occur.

Very respectfully yours,

STEPHEN ALLEN.

NEW YORK, DECEMBER 22, 1840.

P. COOPER, Esq.—

I have read the answer of S. Allen to your note of the

17th instant, and fully concur with his opinion that the duties of the former Board of Water Commissioners ceased when the work was completed to the Distributing Reservoir on Murray's Hill.

Respectfully,

WILLIAM W. FOX.

*Extract from a letter from Saul Alley, Esq., dated
December 22, 1840.*

ALDERMAN COOPER—

Sir—I agree entirely with Mr. Allen as respects the powers of the late Water Commissioners in the laying of pipes below the Distributing Reservoir.

SAUL ALLEY.

Your Committee cannot for a moment suppose that the Corporation ever intended (by instructing the Water Commissioners to proceed and bring in a close aqueduct of masonry, a supply of water to the Distributing Reservoir at Murray's Hill,) to entail on the city a board of five Commissioners at an expense of five thousand seven hundred dollars per year, besides a corps of engineers, which the Water Commissioners are now paying, in connection with their own salaries, the enormous sum of about fifty-seven thousand dollars per year; and this expense still continues notwithstanding the work has been all put under contract for a considerable time, and completed to Harlaem River, excepting one section; leaving little to be done except to see that the work is faithfully executed according to contract.

Some of the former Water Commissioners have offered to give their personal attention to what remains to be done, free of cost to the city.

In such a situation, it is not a matter of astonishment that the Water Commissioners should look about for reasons to show, as they say in their communication "that in future the opinions of this Board and their engineers might all be applied to this important branch of the water works."

It is much to be regretted that the Water Commissioners should have undertaken to establish their claim to the entire control and management of the distribution of the Croton water in this city, by making charges against the Croton Aqueduct Committee, and the ordinance of the Common Council. This course has made it necessary for the Committee to show, as will appear, that these charges are as unfounded as they are ungenerous and uncalled for.

The Water Commissioners have, to say the least, been unfortunate in the plan they have adopted, to show the strength and sincerity of their desire to promote the public interest. They continued to approve all the bills of the former Committee of the Common Council who had charge of the laying of water pipes in this city, notwithstanding, as they say, that they knew the work was being done in a slow, careless and expensive manner; and notwithstanding the accounts were kept, in every respect, in an irregular and defective manner. But when the present Aqueduct Committee commenced their task of organizing the new department all this was changed. A map was made out by the engineers of the present Water Commissioners, and with their sanction; this map was approved by the Common Council, and adopted as a guide to the new department, in laying down the water pipes throughout the city. The accounts were kept in due form; and the vouchers presented to the Water Commissioners were all made out, for the first time, as such papers should be. And after this important change, whereby the only defects which had existed, when the accounts of this department received the approbation of the Commissioners, were remedied; then, for the first time, do the Commissioners withhold their approval.

Your Committee are constrained to say, that there are no considerations of public interest which afford any foundation for the Water Commissioners to urge, and with so much perseverance as they do, that the laying of the distributing pipes shall now, for the first time, (when the legitimate part of their duties is drawing to a close,) be transferred to them.

There are certainly no considerations that should have induced them to make grave and serious charges against a department which were calculated to mislead the public mind, and which they have been entirely unable to sustain by the facts.

Your Committee, in answer to the charges of the Water Commissioners, that the Aqueduct Department had withheld information called for by them, have ascertained that, soon after the reception of their note to the Aqueduct Commissioner, the Chairman of the Aqueduct Committee called on the President of the Water Commissioners, and made such verbal explanations, in relation to inquiries made by him, as was believed by the Chairman of the Aqueduct Committee to have been satisfactory; promising, at the same time, that a full and detailed account (from the commencement) of all the operations of the department would be completed and submitted as soon as it could be arranged for that purpose.

It is considered by your Committee unkind in the Water Commissioners not to have given the necessary time to the Aqueduct Department to furnish the information they required; *particularly so*, since they themselves have found it convenient to withhold their semi-annual report from the Common Council for many months since the same has been due by the requirements of the law under which they act.

The subject referred to the consideration of your Committee seems to resolve itself into two questions:

First. Is it expedient for the Corporation to continue, under their own direction, the laying down of the pipes throughout the streets of the city, for the distribution of the water

from the reservoir at Murray's Hill, for the use of the inhabitants of the city?

Second. Is it lawful for the Corporation to proceed with such work, and to charge the expense thereof to the water fund.

In view of the question of expediency, the Water Commissioners, in their annexed communication, have made many charges against the mode of laying the distributing pipes under the direction of the Croton Aqueduct Committee, and also against the economy of their expenditures.

These charges were urged for the purpose of showing that the work can be better and more economically done by the Water Commissioners than under the direction of the Croton Aqueduct Department of the Corporation, as now organized.

The objections of the Water Commissioners are worthy of consideration, and accordingly have been fully examined by this Committee. These complaints were answered by the Report of the Croton Aqueduct Committee of October 12th, 1840. At this time, however, a fuller notice of them may be useful.

A general charge of the Water Commissioners is, that for materials and labor too high prices were paid by the Department—

1st. For lead, five cents per pound.

It is proper to state, in connection with this, that an office for the Aqueduct Department is now finished. The Aqueduct Commissioner will now, therefore, be able to purchase lead by the cargo, and store it on the premises. Hitherto, having no storehouse, he has been obliged to purchase lead in small quantities for daily use, and has paid a *fraction of a cent* more than large quantities could be purchased for.

2d. For repaving the streets, twenty-five cents per square yard.

This price includes all expense for supplying paving stones, and sand when necessary, and for removing all surplus and unsound earth. No evidence has been produced

before this Committee showing that similar work has ever been done for less money ; and, in the opinion of the Street Commissioner, this charge is not unreasonable, as per his certificate.

3d. Labor at an average of one dollar and twenty-five cents per day.

No such average is to be found in the bills of the Croton Aqueduct Department. The Water Commissioners, when requested, in presence of this Committee, to establish their assertion, acknowledged their inability to do so. The average price of labor, as shown by the bills, is one dollar and eight cents to one dollar and nine cents per day, including foremen.

4th. Twelve inch stopcocks ninety dollars and forty-eight cents each. The Water Commissioners further say that those stopcocks are not of the best kind. The annexed figures will explain the new stopcocks objected to by the Water Commissioners, and the old pattern formerly used.



And the properties of the two kinds are here given in parallel columns.

OLD PATTERN.

The screw S is exposed outside of the enclosed part, and subject to rust, and to get clogged with dirt.

The valve V, or cover, when shut, as in the figure, is strongly wedged in between the two faces, *ffff*.

When it is necessary to open it, the valve is often found to stick in its place, and if force is applied, frequently breaks in some part. An instance may now be seen in the Sixth avenue, where the old pattern has to be taken up, having broken and become useless.

The sand and sediment of the water settle into the space O, fill it up and prevent the valve from falling down to its place. Sand once in the space, cannot be removed without taking up the stopcock.

The old pattern is continually a source of trouble and expense, from its getting out of order. Several, in different parts of the city, at this moment, require to be taken out and be replaced by a better article.

NEW PATTERN.

The screw S is inside of the enclosed part, immersed in fresh water, and hence not liable to rust.

The valve V is firmly brought up against the face *ff*, by means of the wedge W, acted on by the screw S.

The wedge W is always easily started by the screw, and then the valve being loose is raised without difficulty.

The space O is so open that the current of water will always keep it clear.

The new pattern has always been found to work effectually; some hundreds are in use, and but two or three repairs, and those not costing above \$4 or \$5 each, have been necessary.

Mr. Robertson, the maker of the new kind, began to furnish them some eighteen months since, at a price below what the Corporation then paid for the old kind. A contract has recently been made with him, by which they are now supplied for much less than the price named by the Water Commissioners, in their remonstrance, as the price of those they preferred.

The Water Commissioners stated to this Committee that a manufacturer of Philadelphia had offered to furnish the old kind for seventy dollars, which is ten dollars less than the offer they received before, and which they mention in their remonstrance. This lowest price is exactly what is paid to

Mr. Robertson, under the new contract ; and this price was fixed without knowledge of, or reference to, any proposals made to the Water Commissioners by the Philadelphia manufacturer.

The use of the old pattern of stopcocks, in this city, has been attended with a constant train of vexations, and this Committee has heard, that Mr. Wenman, when Water Purveyor, had his share of them. That gentleman was obliged to repair, if not to take out altogether, a stopcock, in Broadway, near the City Hotel, in 1834. The tightness of those he used may be pretty well ascertained by the following facts. In 1835, in shutting off the water, to attach a new line of pipes, at the corner of the Bowery and Grand street, Mr. Wenman's workmen were obliged to close all the stopcocks in the Bowery, from Grand street to the Reservoir in Thirteenth street. *And all these failing to stop the water*, they were obliged to shut off the head of water at the Reservoir itself ! On that occasion, the trench, in which his men were at work, was overflowed, and a fire engine was employed to pump the water out of it. From two to three days (one of them a Sunday !) were employed in freeing the trench and stopping the water by those most defective stopcocks.

We farther learn, that Mr. Wenman was so dissatisfied with the old pattern, that he set himself to work to invent a substitute for it ; and, about two years since, he prepared elaborate drawings of his improved stopcock, which, he then said, he had introduced into certain water works in Canada, with great success. These facts are given as we learn them ; if contradicted our witnesses are at hand.

In 1837, under Mr. Henshaw's supervision, seven of the old pattern were broken and taken up in this city during one season.

Three stopcocks, of the old kind, were put down, in succession, in Broad street, near Beaver, in the space of four days. The last of the three is still there ; the other two were broken within twenty-four hours after they were put down. This was in January, 1837.

Five stopcocks, of the old pattern, have been successively put down, broken, and then taken up, in one place, within six years. That place is at the corner of Hudson and Anthony streets. The sixth stopcock was of the new pattern, and is now in use.

One of the old kind, that could never be used, is now in Broadway, opposite the Astor House.

Old stopcocks have been repaired, within the last year, in the following places :—

Essex street, near Rivington.....	Gallows plate broken.
Broadway, corner Sixth street....	do. do. do.
Walker street, near Allen.....	Valve broken.
Hudson street, corner of Anthony	do. do.
Hudson, corner of Chambers....	do. do.
Sixth avenue, near Ninth street..	do. do.
Thirteenth street, near Broadway	do. do.
Division street, near Market.....	do. do.
Canal street, near Greene.....	Gallows plate broken.
Delancey street, near Allen.....	do. do. do.

Making ten stopcocks of the old kind given out in a single season.

So much for the strength and durability of these articles. Now for a specimen of their efficiency.

Mr. Small, a foreman in the employ of the Corporation, wished, in November last, to stop off the water to join a line of new pipes to the old ones, at the corner of Hester and Essex streets. Five stopcocks, if perfect, would have shut off the water in every direction, and accordingly five were closed. The water still flowed. Nine more were then closed outside of and beyond the former; the water still poured in. Eight more were then closed outside of these last; the water still flowed in. At last, the head of water was shut off at the Reservoir, and this was successful. Thus twenty-three stopcocks of the old kind had to be used to shut off the water at one point.

With the new pattern, Mr. Small reports that he has had

no trouble. In one instance only, has he had to close an extra stopcock outside of one of this kind.

Mr. James Kiernan, another foreman, who has been employed in the work for eight years past, reports that he has known only a single instance where an extra stopcock had to be closed beyond one of the new ones.

In the opinion lately given by Mr. Jervis and Mr. Allen, they make no definite objection to the new pattern, but confine themselves to the following conclusions:—

1. That the old kind were the simplest.
2. That they were always tight.
3. That they were durable and without defect.

That they are the simplest is obvious, but that of itself proves nothing.

That the old kind were always tight and were durable, and without defects, may be true in Philadelphia, but in New York the exact reverse has been the fact, so far as the Corporation has tried them. Whatever losses may result to the city in the progress of this work by not adopting "all the opinions of their Board and their Engineers," one thing is certain, we have lost nothing by not adopting the kind of stopcocks recommended by them.

The Water Commissioners farther alleged before the Committee, that the expense per mile, now paid for laying down, exceeds the estimates which the Water Commissioners have formed.

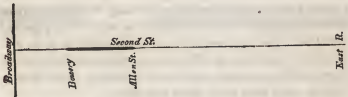
The practical knowledge possessed by those gentlemen does not appear to be sufficient to guarantee the accuracy of their estimates. Even Engineers of eminence are prone to estimate too low, and the Corporation has found this to be the case with this very work. The enormous disparity between the four or five millions of the Engineers' estimates, and the twelve or thirteen millions which we now see it will cost, makes it unnecessary to dwell particularly upon the estimates offered by those gentlemen at this time.

Another general charge of the Water Commissioners is

that under the present organization, the work is done in violation of correct principles of construction.

1st. "That the line of pipes lately laid down in Second street, consists of six-inch pipes, from the East River to Allen street, then from Allen street to the Bowery twelve-inch pipes, and then from the Bowery to Broadway again six-inch pipes are laid. It is said that the neighborhood being surprised asked the reason of this expensive and irregular mode of doing the work, and were answered that they had used up all the six-inch pipes on hand."—See Doc. No. 70, page 258.

The following figure shows the line of pipes as described by the Water Commissioners:



The Water Commissioners, in the presence of this Committee, were informed that there was not a single foot of six-inch pipe in Second street, from one end to the other, and were invited to produce evidence of their statement, if they had any.

They accordingly introduced an old and very respectable citizen, who was shown in our presence the following plan of the line as it really is.



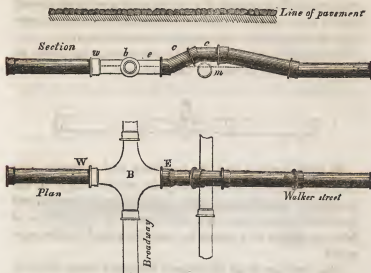
He did not question the accuracy of this drawing, nor attempt to sustain the statements of the Water Commissioners, as exhibited in the previous drawing: but he said he thought a twelve-inch line in Second street, or a six-inch line in Allen street was wrong; having always understood the correct plan to be twelve-inch pipes in the streets running North and South, and six-inch pipes in those running East and West!

Nothing farther was offered as proof, justification or apology for making this gross misrepresentation of the facts of the case by the Commissioners.

2nd. That in Walker street (erroneously printed Water street, in Document No. 70, page 258) corner of Broadway, a water pipe was laid about two feet only below the surface thereby exposing it to be frozen in winter. They farther state that, a gas pipe was in the way of placing it at its proper depth; that they, the Water Commissioners, have power to remove the gas pipe, and would probably have done so had the work been under their direction.

Instead of a gas pipe it proves to be a Manhattan water pipe; and we are of the opinion that as the Manhattan water pipe has lain in that spot for several years without freezing, so may the Croton water pipe remain equally without freezing, as it lies upon and in contact with the Manhattan pipe.

The following drawing shows the plan and section of the work. The newly laid down pipes objected to by the Water Commissioners are deeply shaded.



The branch *Bb* was laid some years ago, when the pipes in Broadway were laid. On laying the Walker street line, the present season, it was of course connected with the west end *W* of the branch. On the east end *E* of the branch, the connection might be made by passing either over or under the Manhattan pipe *Mm*. As the crooked piece *cc* then on hand, admitted of passing over, but was not oblique enough to pass under, the pipe was carried above the Manhattan pipe. To carry it below it would have been necessary to wait for new patterns and castings to be made, and to keep this part of Broadway almost impassable for a week or two at least. The pipe is placed more than three feet below the surface, instead of two, as complained of.

3d. The Chairman of the Board of Water Commissioners, Samuel Stevens, Esq., in his remarks before this Committee, at its first meeting, stated as another instance of incompe-

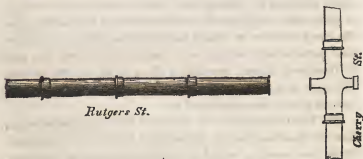
tency, that in Rutgers street, near the corner of Cherry street, a six-inch stopcock had recently been inserted in a twelve-inch line of pipe. He declared that such a piece of work was manifestly wrong, for if a twelve-inch pipe was necessary to give a due supply of water, then assuredly a six-inch stopcock would not allow that supply to pass through it.

The following figure will show the work as described by the Chairman of the Water Commissioners :



He farther stated that the workmen had completed this piece of work, and were on the point of covering it up and leaving it, when some person coming along remonstrated against its impropriety ; and that merely in consequence of this interference of a passer by, was this stupid blunder corrected.

The accuracy of the Chairman's statement being called in question, he produced as a witness Mr. Commissioner Ring, who said that the subject of complaint was not a *stopcock* but a *branch*, and that it was not a branch *laid down*, but a branch *taken up* under the present organization ! The following figure will explain Mr. Commissioner Ring's account of the affair :



On laying the new line of twelve-inch pipes down Rutgers street, to afford an immediate supply of water to Cherry street, which, in case of fire, would be much needed, the officer in charge of the work came to the six-inch branch, *b*, in Cherry street. This branch had been laid by a former Water Purveyor, without intending to introduce a pipe through Rutgers street, large enough to supply Cherry street. This old six-inch branch was taken out and a twelve inch branch put in its place, to match the pipe in Rutgers street, thus :



These facts, so different from those stated by the Chairman of the Water Commissioners, were, in his opinion, equally conclusive as proving incompetency somewhere. In what quarter the incompetency lies we leave to the Common Council to judge.

4th. "That of the thirty-five miles of pipe laid down, no one knows whether they are laid in the middle or on the sides of streets, nor where the branches or stopcocks are placed, nor the size of the pipes; and that it cannot with certainty be told even in what streets the pipes are laid."—Document No. 70, page 251.

All those pipes, though ultimately to form a part of the Croton Aqueduct, were in the mean time to be used in extinguishing fires: and if nothing else existed to mark in what

streets they were laid, the *hydrants*, placed along the lines near every cross street, would point them out without the possibility of mistake. Any fireman knows this; and yet the Board of Water Commissioners, professing a superior knowledge and capacity for this subject, gravely assures us that none can tell with certainty in what streets the pipes supplying those hydrants are placed!

This Committee has examined several district maps, executed by the Aqueduct Commissioner, representing, on a large scale, the size and exact position of the pipes already laid, as well as of the branches and stopcocks; the distances from the sidewalks and cross streets being given in feet and inches! Every pipe, stopcock and hydrant in the city is thus minutely recorded in the Aqueduct Office.

Besides the pipes already laid, *the pipes to be laid hereafter* were also drawn on the same maps; those maps were exhibited to this Committee in presence of the Water Commissioners and their Chief Engineer; and no objection was offered to any part of them by those gentlemen, as being in violation of correct principles.

This fact is significant: had the work previously done been involved in such obscurity as the Water Commissioners assert; or were there so entire a want of system in the present arrangement of the distributing pipes, surely those gentlemen could have pointed it out with the maps before them. They did not, however, venture a single remark by way of criticism or censure.

Another subject touched upon by the Water Commissioners, and one of great importance, is, the relative merits of *blast furnace* iron and remelted iron for water pipes. Those gentlemen advocate the use of the latter iron exclusively.

They say, "we perceive the Corporation Aqueduct Commissioner is advertising for proposals to furnish pipes cast directly from the ore or from remelted iron. The pipes which our predecessors contracted for, they stipulated should be cast from pig iron, remelted; and our Engineers have

expressed very decided opinions that such are the only pipes that ought to be used in the work, especially for the large mains."—Document No. 70, page 259.

When water pipes are made at the "smelting" or "blast" furnaces, they are cast at the first melting of the ore; but, when pipes are made at a distance from the mines of ore, for instance in this city, then the founder procures pig iron from blast furnaces, (for all pig iron is blast furnace iron,) brings the pig iron to this city, and melts it over in what is called a "cupola" furnace. From the iron thus "remelted," he casts his pipes.

A competition arises between these two classes of manufacturers—not a competition of cheapness, for, in this, the advantage is evidently all on the side of the blast furnaces. Producing their castings at once from the ore, they can evidently undersell the cupola founders, who are obliged to come to them for a supply of iron. Thus a quantity of castings, which a blast furnace could produce for one hundred dollars, would cost one hundred and twenty dollars to one hundred and forty dollars at a cupola furnace.

Notwithstanding this enormous difference of cost, proprietors of cupola furnaces have managed to create a belief that it is better to deal with them for the thousands on thousands of tons of water pipes that will be wanted for this city.

Among other things, they say that their pipes, being cast in a peculiar kind of mould, are of more uniform thickness than the other pipes. This might prove something, if it were true that blast furnace iron could not be poured into the same kind of mould!

They farther assert that cupola iron is more even in its texture, more free from dross, and therefore more fit for castings, where great strength is necessary.

We are of the opinion that no kind of castings requires greater strength than cannon. At this moment the United States Government is procuring cannon from the blast furnaces of Sweden; those furnaces supply immense quantities

of ordnance to the Governments of Europe—Russia, France, and Prussia, among the number.

The United States' Agent, a high officer of the Ordnance Department, and formerly proprietor of a cupola cannon foundry at Pittsburg, states, in a letter read before this Committee, that the blast furnace cannon in question stand unrivalled by any others for strength. It is well known to founders, that, by repeated melting, strong cast iron can be made so weak and brittle as to be good for nothing. There is no reason to suppose the first remelting in the cupola furnace to be less injurious to the quality of the iron than any subsequent one.

Messrs. Richards, of Philadelphia, and Ellicott, of Baltimore, offer to test the blast furnace pipes, made by them, against any cupola pipes whatever. Each of those houses has pipes now in the Aqueduct yard, ready for such trial.

The cheapness and strength of blast furnace iron being established, the only question remaining is, have they, at such furnaces, the machinery and patterns necessary for casting the large mains for the aqueduct?

No such furnace has hitherto had them; neither did any cupola furnace in this country have them two years ago; and only one has such machinery now.

Should any blast furnace become prepared to cast the large mains, and give evidence of its ability to produce an article of the first quality, at a cheaper rate than elsewhere procurable, surely such furnace should be employed.

If the Aqueduct Commissioner's advertisement, objected to by the Water Commissioners, holds out any idea beyond this, your Committee cannot understand it.

The water pipes necessary for the whole work of distribution in this city would cost, at the cupola foundries, one million of dollars, at least. The blast furnaces could furnish them for twenty per cent. or two hundred thousand dollars less at the least calculation. When the Water Commissioners produce their economical estimates, they leave out all

considerations of the principal item of cost, to wit: *the iron water pipes*, and the fifty-seven thousand dollars, the yearly salary of themselves and their corps of Engineers.

We will here add that the estimates they have produced before us are made without properly specifying what work is to be done for a given sum of money. No mention is made of any of the appendages of the pipes; nothing said about hydrants, stopcocks, or branches. The easiest and the most difficult digging, sand and rock, plain or intricate work, all stand alike in their estimate. And thus they say they can do, for one dollar, what costs at present one dollar and eighty-five cents. If they can really do so, our recent advertisement to contractors is open for their proposals.

It thus appears, that all the complaints of the Water Commissioners have been proved to be entirely unfounded; and it is very evident, from many of the plans which the Water Commissioners have proposed, as the proper rule of action, that if they had had the charge of laying the distributing pipes, it would have cost the city a much larger sum of money than that already incurred, before the work could have been made to answer the requisite purpose.

Your Committee are of opinion, that the reasons which induced the appointment of Commissioners by the Governor and Senate, for the procuring a supply of water from the Croton River, and depositing the same in a Distributing Reservoir, do not apply to the superintendence of laying the distributing pipes. The Corporation could not with any convenience supervise the Croton Works in Westchester county.

Their proceedings in the taking of private property for the necessary purposes of the aqueduct, would have been viewed with great jealousy. And, in fact, it would have been impossible, with any degree of facility, to have progressed with the work in a foreign county, unless through the instrumentality of a disinterested Board of Commissioners; and while the construction of the aqueduct through a large

extent of country, requiring the erection of high embankments, archways and bridges, and deep tunnelling, and calling for the highest exercise of skill and science, might require the instrumentality of the most intelligent and experienced engineers, the mere laying of distributing pipes, involving only a practical knowledge of mechanics, requires no such paraphernalia of office, nor extravagant expenditure of salaries. Such work can be as well superintended by one head of a department, as of five Commissioners; and can be as well done under the immediate direction of the Corporation as any other of their Executive duties.

As to the question of legal authority, your Committee have been favored with a full discussion of its merits, and have also had read to them the opinion of a learned counsel, in support of the views of the Water Commissioners.

After all the examination which has been given to the subject, the opinion of the Counsel of the Corporation stands confirmed in the estimation of your Committee, not only as an official document, but from the reasons it sets forth.

The following are the conclusions of your Committee, after a review of the whole argument.

In the first place, there is not a single provision of any one of the acts of the Legislature which, so far as the prosecution of the work upon the Croton Aqueduct is concerned, makes the Water Commissioners, in any degree, independent of the Corporation; nor is there even a single provision, which expressly confers upon them the right to regulate, and control any part of the work. On the contrary, the language of the law is, that after the measure shall have been finally approved, "it shall be lawful for the Common Council *to instruct the Commissioners to proceed in the work.*" The Commissioners do not, then, derive their authority to do the work from the Legislature; they receive their instructions directly from the Common Council, and with the Common Council it was discretionary to give or withhold such in-

structions. "*It shall be lawful for the Common Council to instruct, &c.*" is the language of the law.

And was it intended that the Corporation should only in the first instance, exercise the right to determine whether the work should be prosecuted; and that, after determination was once exercised, they should then lose all further control over the subject. If such had been the intention, why was it left optional with the Corporation to raise the funds, without which, the work could not progress, at such times and in such amounts as they might think fit? Your Committee cannot refrain from the remark, that there is something like arrogation, on the part of the Water Commissioners, in assuming, in their own language, that the laws "have made *them* the Corporation, so far as this great undertaking was concerned." The idea is as extraordinary as it is unwarranted.

But, it is said that the powers claimed by the Water Commissioners are derived from the provision that the moneys raised from the Water Fund "are to be applied and expended to, and for the purpose of supplying the city with pure and wholesome water, according to the plan as adopted and ratified, *by and under the direction of the Commissioners.*"

Now, in order to derive the power to lay distributing pipes from this authority to apply and expend the money, two things are requisite.

First. The application and expenditure of the cost of the work, must necessarily imply a direction of the work itself.

Second. The plan in the prosecution of which the money was to be expended, must embrace the laying of the distributing pipes, and the money must have been authorized to be raised for that purpose.

As to the first proposition, that the application and expenditure of the money involves the right to control the work, it is very easy to perceive that the Corporation might employ the workmen and regulate their compensation, and determine the whole mode of operation, so long as it should be

consistent with the adopted plan ; and yet, if the disbursement of the funds be left to the Commissioners, their whole duty of applying and expending the money will be performed.

Your Committee do not urge that the performance of other duties by the Commissioners was not contemplated by the Legislature. They only insist that, after the adoption of the plan by the Commissioners for procuring the supply of water, the Commissioners were to become the agents of the Corporation, so far as the prosecution of the work was concerned ; and, like all other agents, subject to the instructions of their principals, and not with liberty to act independent of them.

Your Committee have been referred to the opinions of Messrs. Butler and Tallmadge, said to have been taken with reference to the right of the Corporation to instruct the Water Commissioners with reference to the bridge over the Harlaem River. There is not one word in the opinion of those gentlemen on any such subject. It barely relates to the right of the owners of property on the Harlaem River to prevent the erection of a bridge, and has no single reference to the power of the Corporation to control the execution of the work consistent with the adopted plan.

The Corporation have in no instance chosen to interfere with the Water Commissioners in the execution of their part of the work, and it is not to be believed that, for any light cause, they would have done so. But the doctrine is monstrous, that a Board of Commissioners should have been appointed by State authority, and with the consent of the Corporation itself, to act in defiance of its wishes in the execution of a work, which, when completed, was to be its own property !

The plan of the work was required to be submitted to, and approved by the Common Council, and become final and conclusive only after it had been approved by them.

In this doctrine of the Water Commissioners and of those

who sustain their views, the representative principle is undervalued and overlooked. The City Government is but a personification of the people themselves, whose money was expended in the Croton Aqueduct. To place them and their representatives in a secondary position with reference to a work of their own projection, and of which they alone had assumed the responsibility, involving millions of their money, and beyond the power of calculation in its consequences to the health and safety of the city, is assuming for prerogative more than can be yielded by a spirit of just independence. And yet all this is claimed, not by any positive enactment of law, but by a forced and pretended construction; for we say again, that there is not a single provision which gives to the Water Commissioners any kind of right to direct the work upon the Croton Aqueduct, except what they may derive under the clause that "it shall be lawful for the Corporation to direct the Commissioners to proceed with the work."

The next question is—Does the plan, according to which the city was to be supplied, and for which purpose the money was to be expended, embrace the laying of the distributing pipes; and was the Water Fund originally applicable to such part of the work?

The plan was first to be adopted by the Water Commissioners, next to be approved by the Common Council, and lastly to be ratified by the People.

In the precise language of the Act, this was to be a plan "for procuring a supply of water."

That was the most difficult question, requiring patient research, and deliberate and strong judgment; and such was attained by the appointment of five Commissioners, upon whose responsibility for so great and untried an undertaking, the people were satisfied to rest; but who ever thought of requiring five men, aided by a corps of Engineers, to sit in judgment upon the laying of distributing pipes? When the water should be brought within distributing distance, and

safely deposited in reservoirs, the grand object of procuring the supply was accomplished. By the application of a hydrant and the turning of a stopcock all the remaining duties would be achieved.

From the first, the Water Commissioners show, that so far as their own official duties were concerned, they considered themselves confined, in their estimates, to the expense of procuring the supply of water, and conducting it into a reservoir, convenient for distribution. In their report, under the Act of 1833, they say, "That as there is a proposition already pending before the Common Council, to purchase the twenty-five miles of pipes of the Manhattan Company; and, as the Corporation have already laid ten and a-half miles of pipes, they have not deemed it necessary to enter into a calculation of the cost of the pipes that may be required to distribute the water in the different parts of the city." The estimates which have been made are for bringing the water to the Distributing Reservoir.

In the second report of the Commissioners, under the Act of 1834, they speak of their line terminating at a smooth elevation, at Thirty-eighth street, well adapted for a Distributing Reservoir; and they make their estimates apply to an aqueduct that will deliver the whole of the water of the Croton, if required, at the Distributing Reservoir.

Why should they have extended their estimates farther? The object was to ascertain the expense to be incurred by the *new project*. They found that the laying of distributing pipes, had been, already, for some time in the course of prosecution, and that the expense would be incurred, without respect to the Croton Aqueduct. It had no more to do, therefore, with the question submitted to the Water Commissioners, than the expense of lighting the city lamps. And, why should the Water Commissioners form a *plan* for the laying of distributing pipes!

The plan for that purpose was already formed, and partly executed. It needed neither the intervention of Commis-

sioners or of Engineers. It could be temporarily used for the extinguishment of fires, and yet was capable of being applied to the distribution of the Croton River. It had nothing to do with the plan for procuring a supply of water.

Accordingly, the Water Commissioners directed the whole of their energies, and brought all the skill of their engineers to bear upon the great plan of procuring the supply of water. Months were expended upon surveying routes, forming plans, and calculating expenses; but they all commenced with the dam on the Croton, and ended with the Distributing Reservoir at Murray's Hill. Not one hour of labor was devoted, either by Engineers or Commissioners, to discover *any new plan of pipe laying*.

In making their report, when they speak of the plan which they adopt, they head it thus:—

“PLAN OF INTRODUCING THE WATER.”

They then proceed,

“The Commissioners propose that a dam of sufficient elevation be erected near the mouth of the Croton River, and from thence the water to be conducted in a close stone aqueduct to Harlaem River. The river to be crossed by inverted syphons of wrought iron pipe of eight feet in diameter, formed in the manner that steam boilers are. From the south side of the river a line of stone aqueduct will again commence and proceed across Manhattan Valley to the *Distributing Reservoir at Murray's Hill*,” and there ends the plan.

To plain understandings, your Committee deem this to be conclusive of the question; and that if there be any meaning in terms, the Water Commissioners are restricted to the application and expenditure of all the moneys, over which they have the control, within the limits between the dam near the mouth of the Croton River, and the Distributing Reservoir at Murray's Hill.

But it is said that the Commissioners added to their report a statement of Mr. Wenman, the then Water Purveyor, of the distributing pipes. It was very natural for the Water Commissioners to furnish this statement, but neither they nor their Engineers made any personal examination of any plan for the laying of distributing pipes, nor did they adopt or sanction any such plan.

After the Water Commissioners had agreed upon the adoption of a plan for procuring the supply of water, the duty then devolved upon the Common Council to consider such plan, and in case of its being approved by them, to submit to the people the question of raising the money necessary to construct the work. They did approve of the plan and in as unambiguous terms, as those used by the Water Commissioners. They expressly exclude from their views the laying of the distributing pipes, as having nothing to do with the plan referred for their consideration, and to be submitted to the people.

They say that the laying of distributing pipes has been, for a long time, a part of the settled policy of the city. The expense, as it accrued, has been year after year included in the tax, and levied upon the citizens, and it would continue to be incurred and to be levied, if the Croton Aqueduct should never be constructed.

The Common Council were therefore right in saying that "the estimated cost of bringing the river to Murray's Hill might be taken as the true amount affecting the question." And this was the only view of the subject considered, or approved by the Common Council, and the only one submitted to, and passed upon by the people. Pursuant to these approvals, "the Water Stock of the City of New York" has been created, and the proceeds of that stock were manifestly intended solely to apply to the procuring of the supply of water, by the construction of the work down to and including the Distributing Reservoir. It is the decided opinion of your Committee, that the fund could not have been diverted from

such object without an express Legislative enactment. Such has been the construction of the law by every Common Council, since the first Act of 1834. The expenses of the City Government became vastly augmented, and amid all the changes of party, each being anxious to keep down, at least, the show of extravagance, yet no Common Council has been willing to charge the expenses of the distributing pipes to the water fund, until expressly authorized so to do by law.

The Board of Water Commissioners, of which Stephen Allen was the President, may be supposed to have been well acquainted with the original design, and true construction of their powers, as they were in office when the plan was formed and adopted, and while all the foundations were laid for its complete execution. In their semi-annual report of December, 1838, after going through with a statement of their contracts, beginning at the Croton River and ending with the Distributing Reservoir at Murray's Hill, they say, "this completes the contracts of the whole line of work under the superintendence of the Commissioners." It has been left for the new Board of Water Commissioners to discover upon the eve of the completion of their legitimate duties, that a long line of distributing pipes still awaited their fatherly protection.

Your Committee have given to the whole subject a patient examination, and they deem it to be manifest that the claim of the Water Commissioners to lay the distributing pipes under the law which appointed them, is without the shadow of foundation.

It is argued by the learned counsel whose opinion is relied upon by the Water Commissioners, that the distributing pipes form a part, and an essential part, of the plan of supplying the city with water, and that it would be absurd to speak of introducing water for the use of the inhabitants without them.

All this is very true; but it is aside from the true question. When we speak generally of introducing water for the

use of the inhabitants of the city, we undoubtedly have reference to its available use. But people are often in the habit of doing one thing at a time, and they often create (for the purpose of greater facility) a division of labor. One part was referred to the Water Commissioners; and because the other part, that for distributing the water, had for years been in the course of successful progress, the Legislature made no provision on that subject; nor is there any room for the remark that the supply of water might as well be left in the Croton, as in the Distributing Reservoir.

The Corporation of the City have shown some interest in preventing so direful a result by having already laid, in anticipation, about sixty miles of distributing pipes, and by preparing a complete plan of distribution to be ready as soon as the water shall be introduced into the Distributing Reservoir.

We now come to the Act of March 24, 1838, which expressly confers upon the Corporation the right to defray out of the water fund all expenses, theretofore incurred, and thereafter to be incurred by them in procuring and laying distributing pipes.

The only remark which your Committee deem it necessary to make upon this law, is to adopt the language which the Water Commissioners have themselves furnished in vindication of their own claim.

"It took the control of a large part of the Water Fund *out of the hands of the Commissioners*, where all former laws had placed it, and put it in a body of men, who, in the opinion of one of their Committee, should not be entrusted with it."

The force of this language is not weakened by the unnecessary misquotation from the report to which it referred.

After this express admission of the effect of the law of 1838, your Committee cannot understand how the conclusion of the opinion can be justified or made consistent—"That the Act of March 24, 1838, allowing the Corporation

to charge the Water Fund with the expense of laying water pipes, does not in any manner limit or narrow the power of the Commissioners ;" and that "it was and is their duty to distribute the water throughout the city."

It is admitted that the Act of 1838 confers the right claimed by the Corporation ; but it is insisted that the Water Commissioners have a concurrent right.

Your Committee have endeavored to show that the previous laws did not give to the Water Commissioners the power for which they contend, and they urge that it is a most extravagant and forced conclusion to suppose that the Legislature should have intended that two distinct and independent bodies should exist, each with power to lay their own set of distributing pipes, and thus create a double charge upon the Water Fund. It is presuming too much upon human credulity to suppose that such was the intention.

The Act of 1838, in definitively settling the question, as to the right claimed by the Corporation, has pressed so hard upon the Water Commissioners, and upon those by whom their views are sustained, that they have reverted to a criticism of the term "Water Pipes" as used in the law, which your Committee cannot appreciate. They say that the water pipes which the Corporation were thereby authorized to charge to the Water Fund, were only pipes for the extinguishment of fires, and not the pipes for the distribution of the Croton water. The difficulty about this proposition, for the purpose of letting in the Water Commissioners is, that it is too ingenious. It seeks to refine away the principle by a mere change of names.

It makes the Legislature the violators of their own laws, by diverting the water from its legitimate object. It excludes pipes for the extinguishment of fires from being the distributors of water ; introduces a new principle of economy, by requiring as many sets of pipes as there are uses to which the water is to be applied. It supposes that the Corporation would be guilty of the extravagance of laying down a set of

pipes for the extinguishment of fires, that will cost three millions of dollars, and yet not be even intended for the distribution of the Croton water; and it farther supposes that the Legislature would sanction such a profligate waste of public money, by expressly appropriating the Water Fund to a useless purpose as connected with the distribution of the water.

This argument cannot be intended for serious consideration.

Your Committee can only refer it back to those who make charges of "absurdities" and of efforts to misapprehend and misrepresent.

It is urged, on behalf of the Water Commissioners, that they alone are vested with authority to use the streets of the City for the purpose of introducing the supply of water, and that no such power belongs to the Corporation.

This argument is but a continuation of the error of the Water Commissioners, in supposing themselves to be independent of the Corporation.

By turning to the Act of the Legislature, it will be found that this very power is given to the Water Commissioners to be exercised "*in behalf of the Mayor, Aldermen and Commonalty of the City of New York.*" But, besides, this power is, in express terms, given to all other persons, acting under the authority of the Mayor, Aldermen and Commonalty. The idea is a new one, that the Commissioners should be enabled to do an act in behalf of the Corporation, which the Corporation themselves could not do. And moreover, so far as the Water Commissioners are concerned, their powers are limited to the "purpose of introducing water into the city." If the Corporation, for the necessities of the citizens themselves, have no right to use the streets to introduce a supply of pure and wholesome water, then have they no such right for the extinguishment of fires; and this great city would be left destitute of the ordinary means of self-preservation. But the wants of our city have been more carefully provided

for. Its ancient charter provides that the Common Council shall have full power to establish, appoint, order and direct the making and laying out all water courses, not already made or laid out; and also the altering, amending, and repairing all such water courses heretofore made, or hereafter to be made in and throughout the city of New York.

If such a use of any of the public streets of the city could be supposed to work an injury to private right, it would furnish no exemption to the Water Commissioners.

With reference to the precise point of controversy, the act of 1838, (giving to the Corporation the right to charge the expense of laying the distributing pipes,) recognizes the right of the Corporation to lay the distributing pipes, as clearly as if it had expressly granted the right itself.

It is in fact, an express adoption of the acts of the Corporation in laying the distributing pipes, which they had already done, and an express permission to the Corporation to continue the laying of them.

It is an old doctrine of law, as well as of common sense, that all powers, that are necessary to carry into execution an express power, are implied, and incident to the grant of the main power.

The Act of April 27, 1840, provides that no part of the fund for completing the Croton Aqueduct and distributing the water throughout the City, (thereby recognizing the change made by the Act of 1838) should be diverted from such object. And the more effectually to carry out such intent, it provides that no item of expenditure to be made by the Corporation, and not approved by the Water Commissioners and Comptroller of the City, shall be charged to the debit of the Water Fund.

The question remains—Does this Act give to the Water Commissioners the right to interfere, for the purpose of preventing the fund expressly denominated by the same Act, to be “for distributing the water throughout the city,” from

being diverted from its object, by refusing to allow an item of expenditure for the very distributing pipes themselves.

The law of 1838 stands unrepealed, and this very Act of 1840 refers to the Water Fund as appropriated since the former Act, to the distributing the water throughout the City; can then the Water Commissioners in the face of these provisions, prevent items of expenditure for the laying of distributing pipes from being charged to the Water Fund? We say they cannot, any more than the Comptroller of the City can prevent items of expenditure for the distributing reservoir being charged to the same fund.

Your Committee have no hesitation in saying, that such a course to be pursued by the Water Commissioners, if it could be effectual, would violate the whole spirit and intent of the law.

But the Water Commissioners must go one step farther. After exhausting all the effects of ingenuity to discover some ground upon which to rest their claim, and failing in the attempt, they must claim that by the power of their supposed veto, they can constrain the Corporation to yield to their demands of being substituted, as not only the arbiters, but the sole actors of the work.

The Municipal Government of the City of New York can be driven to no such compromise. They may regret to be made parties to controversy; but they deem the present claim of the Water Commissioners to be a bold and presumptuous experiment, and feel bound to give to it an earnest and honest opposition.

Respectfully submitted.

PETER COOPER,
WILLIAM CHAMBERLAIN,
SAMUEL NICHOLS.

DOCUMENTS

Relating to the Controversy between the Common Council and the Water Commissioners.

THE CROTON AQUEDUCT COMMITTEE beg leave respectfully to

REPORT:

That, in the discharge of the duties made to devolve upon them by the ordinance of the Common Council, constituting three members of each Board a Joint Special Committee, and making it their duty to "organize a Department, to be called the Croton Aqueduct Department," for the purpose of keeping a regular account of all expenditures growing out of, or connected therewith, and for making all contracts in relation to the said Department, and for conducting the water pipes, purchasing materials, and distributing the water in this city, do report as follows:

That they have organized the Department, and have, since the commencement of their charge, made the several purchases of water pipes, and have laid them in the different streets, as set forth in the statement hereto annexed. This statement will show all the water pipes that have been purchased, and the other items of expense that have been incurred in carrying on the operations of this Department.

It will appear, that there has been laid, from the 10th day of August to the 29th day of September, 2,522 pipes, measuring three and seven-eighths miles in extent, at a cost of nearly of 45 cents per running foot; which includes all the cost of digging, laying, leading the joints, filling in, and repaving the streets.

CROTON AQUEDUCT DEPARTMENT.

Return of Pipes laid by this Department, from August 10 to September 29, inclusive.

In	From	To	No. of 12-inch.	No. of 6-inch.	Length in feet of 12 inches.	Length in feet of 6 inches.
Sullivan	Houston	Amity	133		1120	
Front	Maiden lane	Whitehall		281		2250
Beach, Walker	Greenwich	Orange	411		3290	
Allen & 1st av.	Grand	Second		323		2625
Second	Avenue A	Bowery	258		2060	
Bond	Bowery	Broadway		152		1216
Frankfort	Chatham	Pearl		175		1400
Gold	Frankfort	Beekman		74		570
Franklin	Greenwich	Broadway		252		2015
White	W. B'dway	Elm		180		1505
Warren	Greenwich	Broadway		174		1390
Murray	Greenwich	Church		109		875
			802	1720	6470	13846
						6470
						20316ft

Abstract of Pay Lists, from August 10 to September 29, inclusive.

Pay of men in public yard, employed in the service of this department	\$ 387 00
Pay of men in the aqueduct yard do. do. ...	261 62
Pay for taking up old and defective work	340 38
Pay for laying down new pipes	4,124 75
Sum total of pay lists	\$5,113 75

Lead furnished this department, from August 10th to September 2d, 1840, 22,868 lbs., at 5 cents.....			\$1,143 40
From September 2 to 29, 23,374 lbs., at 5½ cents			1,340 57
Do.	do.	728 lbs: yarn, at 12½ cents.....	95 58
Shovels, files, wrench, &c.....			23 35

Castings—consisting of Hydrants and Stopcocks, manufactured for this Département.

18 hydrants, at \$25	\$ 450 00
30 12-inch stop cocks, at \$70	2,100 00
54 6-inch stop cocks, at \$40	2,160 00
Repairing old hydrants	10 50
	<hr/>
	\$4,720 50

Of the above, there have been used, from August 10 to September 29, 7 hydrants, 16 12-inch stopcocks, 43 6-inch stopcocks; the remainder is now on hand. And \$2,950 50 of the above amount has been paid by this department.

The castings for the above articles have been purchased and paid for by this department, amounting to 31,128 lbs., at 4 cents per lb., \$1,245 12.

The carting of the new pipes has been as follows:

From August 10 to September 24, 1,478 loads, at 50 cents per load		\$739 00
From September 24 to September 29, 211 loads, at 37½ cents per load		79 12
		<hr/>
		\$818 12

The carting of the old pipes and castings, &c., has amounted to 503 loads, price varying from 25 to

50 cents, according to the distance, amounting to	\$131 75
There have been 45 loads of wood brought for melting the lead, at \$1 75	78 75
Carting the same, at 25 cents per load	11 25

There have been from August 10 to September 29, 1840, 11,212 square yards of paving done for this department, which includes the old work done after taking up the old and decayed pipes, and after the laying down of the new pipes; which, at 25 cents per square yard, amounts to \$2,803 00.

The repairing of sewers from August 10 to September 29, has amounted to \$49 34, which amount has been paid by this department.

PRICES PAID FOR PIPES.

Manufacturer,	12 in. pipes Price per foot.	Weight.
James P. Allaire	\$1 75	
D. C. Wood	1 60	760
Ward, Stillman & Co.	1 90	580 } dry sand
J. Cummings	1 90	610 } castings.
6-in. pipes.		
James W. Brick	85	290
J. Colwell	72 8-10	320
C. White	80	
D. C. Wood	72 8-10	
A. M. Jones	72 8-10	
Ellicott and Brother	80 8-10	
James W. Brick	96	dry sand castings.

(Contracted for before I entered this office.)

PETER COOPER,
SAMUEL NICHOLS,
WM. CHAMBERLAIN.

OPINION OF THE COUNSEL OF THE
CORPORATION.

THE Chairman of the Croton Aqueduct Committee has submitted for my examination the following question :—

What are the relative rights and duties of the Corporation and the Water Commissioners, as to the laying of pipes, &c. south of the Distributing Reservoir at Murray's Hill?

In considering the appropriate duties of the Water Commissioners, in connection with those of the Corporation, the first question which naturally suggests itself, seems to be—Who are the Principals, and who the Agents, in this great scheme of supplying the City of New York with water?

The Corporation of the City, in 1831, proposed to execute this work. In 1832 they applied to the Legislature for a law to confer upon them the necessary power for supplying the city with water. This application was opposed and defeated upon the ground that the feasibility of the project did not satisfactorily appear. The Corporation then procured examinations, plans, and estimates to be made by the most experienced engineers of the country. The result of their labors left no doubt of the practicability of the work; but the different engineers did not agree, either as to the fittest plan to be adopted, or as to the probable cost of the work, so that the Corporation was left without being able to settle upon any particular plan of operations. Under these circumstances, it was supposed that a second application to the Legislature would be equally fruitless.

It was therefore proposed to have a board of competent and disinterested Commissioners, appointed by the authority of the State itself, who should be invested with power to examine the plans which had already been pre-

pared, to cause surveys to be made, to have the water tested, to estimate the probable expense, and to make a report to the Common Council and to the Legislature of the result: and it was farther proposed to follow up the report of such Commissioners, with an application for a law to confer upon *the Corporation the necessary powers.*

A law was passed February 26, 1833, for the appointment of such Commissioners, and to invest them with the powers above referred to. The Commissioners reported to the Legislature at the session of 1834, and thereupon "an Act to provide for supplying the City of New York with pure and wholesome water," was passed May 2, 1834, upon the application of the Common Council.

Under this Act, the Water Commissioners exercise their offices. By the provisions of this law they are required

"1st. To examine and consider all matters relative to supplying the City of New York with a sufficient quantity of pure and wholesome water; to adopt such plan as will be most advantageous for securing such supply, and to report a full statement and description of the plan adopted by them.

"2d. To ascertain, as near as may be, what amount of money may be necessary to carry the same into effect.

"3d. To report an estimate of the probable amount of revenue that will accrue to the city, upon the completion of the work, and the reasons and calculations upon which their estimate may be founded; such report to be made and presented to the Common Council of this City, on or before the first day of January, 1836."

So far, it is perceived that the only object of appointing the Water Commissioners was to decide upon the conflicting reports of the Engineers, to adopt the best plan, and to estimate the probable expense, and, in fine, to form a Board of Umpirage, whose decision could be relied upon by the public, as forming the most correct conclusion from all the varied sources of information, and from which it might be determined whether the proposal to supply the city with wa-

ter was practicable, and such as should be carried into effect. The plan adopted by the Commissioners was to be reported to the Common Council, and only in case of approval by them, was to be submitted to the electors of the city.

If a majority of the electors should be in favor of the measure, then it *should be lawful* for the Common Council to *instruct the Commissioners to proceed in the work*, and it should farther be lawful for the Common Council to raise by loan, *from time to time, and in such amounts as they might think fit*, a sum not exceeding two millions five hundred thousand dollars.

The Act farther provides that upon the confirmation of the proceedings for taking the lands required for the work, *the Corporation* shall become seized of the lands in fee. The Commissioners, according to the terms of the law, act *"in behalf of the Corporation"* in the exercise of various powers therein mentioned. In the sixteenth section of the Act, which imposes penalties for injuries committed, the work, materials and property are expressly referred to as being erected and used *by the Corporation*; and unless the work is considered as done by the Corporation, or by the Commissioners, acting under the authority of the Corporation, the whole section is entirely nugatory. *The Corporation* are required to erect and sustain fences along the line of the work. *The Corporation* shall erect and sustain convenient passes across or under the aqueduct, &c. The Water Commissioners shall semi annually, or at any time, if required by the Common Council, report *to the Corporation* a general exhibition of the state of the work, including a full detail of the amount expended, and of the progress made in furtherance of the contemplated object.

In view of these provisions, and from the whole tenor and spirit of the various Acts of the Legislature, it would seem to be apparent that the Corporation of the City, who originated this greatest scheme of modern days, and who, in its execution, has assumed the highest responsibilities which be-

long to them, are to be considered the Founders, the Patrons, and the Proprietors of the work, and that by them and through their means and instrumentality the project is now being accomplished. The Water Commissioners have been performing a most useful part. They have bestowed great talents and industry upon the work, and have faithfully superintended the disbursement of the money. But without any disparagement of their labors, the Corporation of the City are the principals, and the Commissioners are only the agents in the work.

The Commissioners have derived their authority to proceed with the work from the instructions of the Common Council. It is my opinion that the Common Council have the right to withdraw those instructions, and that thenceforth the powers of the Commissioners to proceed farther with the work would cease. The Commissioners cannot be considered as having any vested rights in the matter.

Under the eleventh section of the Act of 1834, the amount to be raised thereby was to be expended for the purpose of supplying the City of New York with pure and wholesome water, *according to the plan adopted and ratified* as aforesaid, with such *immaterial* alterations as might be necessary, and by and under the direction of the Commissioners.

The Commissioners claim that, as the moneys are to be expended by and under their direction, this extends to authorizing them to do the work of laying the pipes through the streets of the city south of the Distributing Reservoir.

Independent of all other objections to such conclusion, the "plan for procuring the supply of water," which was adopted by the Commissioners, and ratified by the Common Council and by the people, had no reference to any part of the work south of Murray's Hill; and to the completing of this plan the expenditure of the moneys under the direction of the Commissioners was confined.

The great object of employing the Engineers and Surveyors was to ascertain the sources from which, and the means

whereby, to procure a supply of water ; and the appointment of Commissioners was for the same object. The procuring of the water, and the distributing of the water, formed two entirely distinct propositions. The one novel in its character, requiring great science in its research, and skill in its execution. The other an ordinary and accustomed business, requiring neither the aid of Engineers or of Commissioners, and for a long time connected with the settled policy of the city. As to the latter, the plan was already formed, and, in part, executed, before the Croton Aqueduct was thought of, the supply being from other sources, and for other purposes of consumption ; but not interfering with their appropriation to distributing the Croton water. The first Commissioners understood their duties as applicable only to *procuring* a supply of water, and as ended when that supply should be safely deposited in the Distributing Reservoir at Murray's Hill. They have not considered themselves as in any respect charged with the distribution of the water through the city. The surveys and estimates of the Engineers were all confined to the limits between the Croton River and the Distributing Reservoir. In the first report of the Commissioners, under the Act of 1833, they say, "The Commissioners having understood that a proposition of the Manhattan Company, to dispose of their works to the Corporation, is now under the consideration of the Common Council, and observing, by a printed circular from that Company, that they have twenty-five miles of pipes now laid down in this city ; and having also been informed that the Corporation have about ten and a half miles of pipe extending in different directions from their reservoir on Thirteenth street, they have not deemed it necessary, under these circumstances, to enter into a calculation of the cost of the pipes that may be required to distribute the water in the different parts of the city. The estimates which have been made are for bringing the water to the Distributing Reservoir."

6. In their second report, under the Act of 1834, they speak

of the line terminating on a smooth elevation, between the Fifth and Sixth avenues, at Thirty-eighth street, a position well adapted for the location of a Distributing Reservoir; and they speak of the estimates as applying to an aqueduct that will deliver the whole of the water of the Croton, if required, at the Distributing Reservoir near Thirty-eighth street.

The Commissioners do, indeed, append to their report an estimate of Mr. Wenman, the Water Purveyor of the city, for leading the water from the Distributing Reservoir through the streets of the city; but they do not adopt his estimate, nor does it enter into the plan adopted and proposed by them. As to the extent of their plan this is their language:

"The Commissioners propose that a dam, of sufficient elevation, be erected, near the mouth of the Croton River, and from thence, the water to be conducted, in a close stone aqueduct to Harlaem River. The river to be crossed by inverted syphons of wrought iron pipe of eight feet diameter, formed in the manner that steam boilers are. From the south side of the river, a line of stone aqueduct will again commence, and proceed across Manhattan Valley to the *Distributing Reservoir at Murray's Hill.*"

The Committee of the Common Council, to whom the communication of the Water Commissioners was referred, understood that the plan which they were to approve and submit to the people, was, the procuring of water from the Croton, and depositing it in the reservoir at *Murray's Hill*, ready for distribution.

They say, "The Water Commissioners report to the Common Council the following opinions, as the result of their labors, namely:

"That all the water of the Croton River may be taken from near its mouth, and brought to the City of New York, in an aqueduct, declining fifteen inches in the mile, and delivered in a reservoir, on *Murray's Hill*, one hundred and fourteen feet ten inches above high tide water line—which is

near seven feet higher than the roof of the highest building in the city.

"That the water of the Croton is limpid and pure, and fit for use at the place where they propose it should be taken from the river; that the whole river can be brought to Murray's Hill, in a close aqueduct of masonry, at an expense of four millions two hundred and fifty thousand dollars, and there deposited in reservoirs, ready for distribution.

"That the revenue which would accrue to the city, from very low charges for supplying the water, would overpay the interest on the cost of the work.

"These form the great facts upon which the Common Council are now called upon to act, and in the first instance, to pronounce their judgment, whether the work shall, or shall not proceed."

"The question remains, ought the Corporation of the City of New York to embark in this great work?"

"It is stated above, that the estimated expense of bringing the Croton to Murray's Hill, is about \$4,250,000
 "To this is to be added the estimated expense of laying the water pipes in the city to distribute the water 1,262,000

Total expense \$5,512,000

"The work of laying the water pipes is now, and for some years has been, in the course of execution. It is a part of the settled policy of the city, as to its public improvements, and, as connected with its public wells, for the extinguishment of fires. The cost thereof may, therefore, with propriety, be deducted from the above amount; and, in considering the question now under discussion, *the estimated cost of bringing the river to Murray's Hill, may be taken as the amount affecting the question.*"

The resolution proposed by that report, and adopted by the Common Council, was as follows :

" Resolved, That the plan adopted by the Water Commissioners for the City of New York, for supplying the City of New York with a sufficient quantity of pure and wholesome water, for the use of its inhabitants, and described in their report made to the Board of Aldermen on the 16th day of February last, be, and the same hereby is approved."

It seems perfectly clear, therefore, that the plan adopted by the Water Commissioners, and approved by the Common Council, had reference to the line of work from the Croton River to the Receiving Reservoir at Murray's Hill.

The Commissioners, in their semi-annual report of December, 1838, after going through with a statement of their contracts, beginning at the Croton River and ending with the Distributing Reservoir at Murray's Hill, say : " This completes the contracts under the whole line of work under the superintendence of the Commissioners."

The Act of 1834, therefore, gave no authority to the Water Commissioners to expend the money, thereby authorized to be raised, for any other purpose than in the prosecution of the work as far down as Murray's Hill ; and as the Commissioners derive their claim to direct the work, by implication, from the authority to direct the expenditure of the moneys, all their powers must necessarily be limited to the line terminating at Murray's Hill.

To show that the money authorized to be raised by the Act of 1834, could not be appropriated to the laying of distributing pipes in the city, and that consequently the Water Commissioners, under the Act of 1834, had no direction over them, it became necessary, by the Act of March 24, 1838, to provide as follows : " It shall be lawful for the Mayor, Aldermen and Commonalty of the City of New York,

to defray, out of the public fund, called the 'Water Stock of the City of New York,' all expenses *heretofore incurred*, and *hereafter to be incurred*, by the said Mayor, Aldermen and Commonalty, in procuring and laying water pipes in and for the said City of New York."

This Act recognized that the water pipes through the city had been theretofore laid by the Corporation, and that they would be thereafter laid by them.

The Corporation are to defray, out of the Water Fund, the expenses thereafter to be incurred *by them* in laying water pipes in the city.

Here is no power given to the Water Commissioners. The Corporation are to be their own paymasters. The Commissioners are to have no discretion in the matter. It is a peremptory and exclusive power to the Corporation, to continue the laying of distributing pipes at the expense of the Water Fund.

It is supposed, however, that the Act of April 27, 1840, gives to the Commissioners the power which they claim. By the 5th section of that Act it is provided that "no part of the fund created by this Act, or any other fund raised for the purpose of constructing or completing the Croton Aqueduct and the works connected therewith, and distributing the water throughout the city, *shall be diverted from such object*; and no item of expenditure hereafter to be made by the Corporation of the City of New York, and not approved by the Water Commissioners and Comptroller of said City, shall be charged by the Corporation of the said City to the debit of the said fund; but this provision shall not apply to the refunding of advances heretofore made by the said Corporation for or on account of the said aqueduct, or the water pipes connected therewith."

It cannot be contended that by this provision any power of direction over the work is given to the Commissioners. And if the Commissioners mean to insist that the expenditures for the water pipes cannot be charged to the Water

Fund, unless they approve of such expenditures; and that they will not give their approval unless they are allowed to assume the direction of the work itself, it will be well so to understand them. But these Commissioners are gentlemen of high standing, and cannot be supposed to put forward such a claim.

Let us examine, however, the just construction of this section, in the Act of 1840. What is intended by the "*items of expenditure*," to be approved by the Commissioners and Comptroller, before they can be charged against the Water Fund.

The section commences, "no part of the fund created by this Act, or any other fund raised for the purpose of constructing or completing the Croton Aqueduct, and the works connected therewith, and distributing the water throughout the city, *shall be diverted from such object*." This was the object to be guarded against. The remainder of the section was only to provide the means of carrying that object into execution. The Legislature had, themselves, already provided that the cost of the water pipes should be charged to the Water Fund; it could not have been their intention, therefore, to give to the Commissioners or Comptroller the right to exclude these items of expenditure. That would not be necessary to guard the fund from being diverted from its legitimate object, because the Legislature had itself authorized such items of expenditure as against the fund. The provisions of the law of 1838, authorizing the Corporation to incur expenses for water pipes, and to defray such expenses out of the Water Fund, is not repealed. The Corporation go on and incur such expenses; have the Water Commissioners the right to interpose their veto and prevent their being charged? such a construction is unnecessary to carry out the intent of the Legislature, which was merely to prevent the misappropriation of the Water Fund, and it is inconsistent with the law of 1838.

The provisions of the Act of 1840 must have a practical

construction. The Corporation are authorized to make their contracts for water pipes, and they alone are so authorized. After the work has been done and the expenditure has accrued, the "items of expenditure" are presented to the Water Commissioners and Comptroller for their approval—and either of those officers choose to object. Do they object that the work itself is not properly chargeable to the Water Fund? They cannot do so, because that is already settled by law; and the Act of 1840 was not intended so blindly and so much, by hidden implication, to repeal the former Act. Do they object to the amount of the expenditure? That was not intended to be within their province. The Commissioners cannot control the terms of the contracts. The Corporation make the bargain, as they lawfully may; and after the whole work is accomplished and the money paid, how vain it would be to allow the Water Commissioners to determine that the Corporation had been cheated, and that the price was too high, and that—consequently it should form no charge against the fund.

If the Legislature had intended to vest any *such* right of so auditing the accounts of the Corporation, in the Water Commissioners, they could only, properly and effectually have conferred such power, by giving to the Water Commissioners the whole authority to make the contracts, and to do the work themselves. But they have not done so. The Commissioners, however, in the first place, construe the law to mean, that they shall have the right of supervising the contracts of the Corporation, and of determining their just economy, and because this involves the absurdity of exercising their control, after the whole mischief has been done, (for after the contract has been made it must be performed,) they claim to themselves the right of originating the contracts; and thus, in the only effectual way, of striking at the root of the whole evil. This is a happy way of remedying the defects of a law. But the law clearly intended that the *items* alone were to be approved or disapproved by the Wa-

ter Commissioners and Comptroller, as determining the question whether the fund was being diverted from its legitimate object. The Corporation are most interested in preserving the economy of their expenditures. And the Legislature did not intend to do them the injustice of supposing that they needed overseers in that respect.

The approval of the items of expenditures is to be a joint act, by the Water Commissioners and Comptroller. Whatever authority is to be derived from this clause, may be claimed by the Comptroller equally with the Commissioners.

If the exercise of such a power of controlling the amounts of the expenditures on the part of *the Commissioners*, would be inconvenient and impracticable, how much more so would it be for *the Comptroller* to determine that the Water Commissioners had agreed to pay too much for their deep cuttings, their fillings, their mason work, &c. And the Commissioners, perhaps would be, in no small degree, astonished to find some of their bills returned back upon themselves as not chargeable to the Water Fund, upon the ground of their supposed extravagance. And if this interpretation of the Commissioners be correct, the question might then be a serious one, whether the Commissioners had not involved themselves in liabilities which they had not anticipated.

I am of opinion that the Water Commissioners have no right to make any contracts or to do any work south of the Distributing Reservoir, and that their approval of bills for the laying of distributing pipes, is unnecessary to their being charged to their Water Fund.

Respectfully submitted.

P. A. COWDREY.

NEW YORK WATER COMMISSIONERS' OFFICE, }
OCTOBER 1ST, 1840. }

*To his Honor the Mayor, and the Boards of Aldermen and
Assistant Aldermen of the City of New York :*

The undersigned, the Board of Water Commissioners, have to acknowledge the receipt of an ordinance of the Corporation, approved by the Mayor on the 24th ult., relating to the duties of the Board of Water Commissioners, which, in their judgment, calls upon them to make this communication to your honorable bodies.

The laws constituting the Board of Water Commissioners emanated from the Common Council in 1833 and 4, and were petitioned for by your predecessors. The policy of these laws vested in this Board, at your instance, powers which, under common cases, would have belonged to the Corporation of the City; they, in fact, made this commission, the Corporation, so far as this great undertaking was concerned.

It is unnecessary now to stop to inquire whether your predecessors under-estimated their successors and overrated the Board of Water Commissioners who might thereafter be found in power; or whether they acted wisely in taking from their successors the control and exclusive management of the Croton Water Works, and placing the funds raised for that purpose in this Board; and perhaps it was equally unwise in the people, at the ballot boxes, to have ratified the system which was proposed for the creation of a Board of Water Commissioners with exclusive powers, to construct this work, entirely independent of the Corporation. But so again the fact was; and, by the statute, the Water Commissioners were exclusively empowered to agree with the owners of the land to be taken; and they only, and the persons acting under their authority, were vested with the "right to use the

ground or soil under any street, highway, or road within this State, for the purpose of introducing water into the City of New York." And all the materials belonging to contractors, when brought upon the work, were exempted from execution, even before payment of them or receipt of them by the Commissioners. And the Commissioners were directed to make contracts, and the State Laws directed that "the Common Council *shall make it the duty of the Comptroller* to pay such drafts in every case where a deed, or other voucher, or a copy of a contract, had been filed in his, the Comptroller's office."

These unusual powers were conferred, not on the Corporation, but on the Water Commissioners.

By an Act of 1838 your honorable bodies were authorized to charge the expenses you had been put to in laying down the pipes for the extinguishment of fires, and for pipes which you might hereafter lay down. But, in 1840, the Legislature called upon the Corporation for explanations as to certain large items charged to the Water Fund; and although, after the explanations of the Corporation, they granted the loan of three millions for the purpose of supplying the City of New York with pure water, yet it was to be expended "according to the provisions of the Act thereby amended," which was the Act of 1834, and of course not according to the provisions of the Act of 1838, permitting the Corporation to take a part of these funds to expend in laying down pipes. And to make the meaning of the Legislature still more explicit, the Act of 1840 directed that "no item of expenditure thereafter to be made by the Corporation of the City of New York, and not approved by the Water Commissioners," should be charged by the Corporation of the City of New York to the debit of this fund. And still farther, by an exception, making their intention more explicit, it was enacted that this was not to apply to the refunding of the money the Corporation had already expended for water pipes. So the law stood shortly after the present Commissioners came into

office. The Corporation were then engaged in laying down pipes ; the bills were presented to us ; and, it being the winding up, as we supposed, of the old system, we approved them, and they were charged to the Water Fund.

In May last, the Corporation appeared to be going on laying down pipes under the former plan, which, as far as we were enabled to judge, was *without system and at great expense*. We asked a conference with the Joint Committee of the two Boards of the Common Council on this subject, which was acceded to ; and Mr. Jervis, the Chief Engineer of this Board, informed your Joint Committees that the work, as conducted by the Corporation, was going on in a *puerile* manner. Still there appeared no intention, on the part of the members of the Corporation, to let this subject go, where the laws of the State appeared to intend it should.

The Corporation organized a new department and appointed a new "Aqueduct Commissioner," and put this work under his direction. This Board, anxious only for the credit of the whole work, that these pipes should be laid down in a proper and economical manner, hoped that this new organization might, although we doubted it, in future proceed in such manner that the opinions of this Board and their engineers might be all applied to this important branch of the Water Works. Our engineers accordingly went to Philadelphia with a part of this commission and some of the Corporation Committee ; and, after procuring all the information in their power, our engineers made one general map for the laying of pipes throughout the city, and furnished the Committee, on their application, with the same ; informing them, at the same time, if our plan was to be carried into execution, that we would prepare sectional or district maps on so large a scale as to show where each pipe was to be placed in the street ; which was considered by them an important feature in the plan, because, otherwise, a whole street might be required to be dug up before discovering where a pipe laid.

We *presumed* the plan was adopted ; yet the important

sectional, or district maps, have never been asked for, nor made; and our Engineers inform us that pipes are not now in progress of being laid down agreeable to their general plan. The importance of such district plans must be obvious, when it is even now said that, of the thirty-five miles of pipes laid down, no one knows whether they are laid in the middle or on the side of streets, nor where the branches or stopcocks are placed, nor the size of the pipes; and that it cannot with certainty be told even in what streets the pipes are laid!

The new "Aqueduct Commissioner" proceeds (as we perceive by the state of the streets,) with the work, and on the 7th ult. five bills from his department were presented to this Board, through the Comptroller, for our approval, that they might be paid out of the Water Fund. On the presentation of these bills, it became necessary that we should have some means of judging with what economy and in what manner this work was progressing.

The following letter was, without delay, addressed to the Aqueduct Commissioner, from whose department these accounts originated:

"NEW YORK WATER COMMISSIONERS' OFFICE, }
"September 11, 1840. }

"To H. A. Norris, Esq., Aqueduct Commissioner, corner
Bowery and Stanton street.

"SIR,—The Board of Water Commissioners beg leave to call on you, to know through what streets the pipes have been laid down, for which you render your bills from August 19th to September 2d, and also the number and the size of pipes laid; also the quantity of lead used in making the joints of the same; also as relates to the bill of paving, whether the whole of this bill, amounting to \$903 25, is applicable exclusively to the laying down of the pipes in your

bill above referred to ; and if the three carting bills, amounting to \$203 75, are wholly applicable to the carting of the above pipes. Also, if you will please send to this office one of the six-inch and one of the twelve-inch stopcocks which you are using.

“Very respectfully, your ob’t serv’t,

“SAMUEL STEVENS,

“President.”

We think it will hardly be said, that the information required by the preceding letter was irrelevant, or in the manner improperly requested ; without it, we had no means to enable us to form any opinion as to the reasonableness of the bills presented for approval.

No answer was ever returned to us in reply to that letter, nor have the pattern stopcocks been left with us.

Had the Aqueduct Commissioner answered the letter, he might have explained to us how it was that the bill of Bunting & Co., for lead, amounting to \$1360 80, furnished between the 5th of August and the 2d of September, was charged at five cents per lb., when the dealers have since informed us that the average price for lead during August (when it was purchased,) was but \$4 27 per 100 lb., at a credit of six and nine months, when five cents per lb. are paid on nearly a cash transaction. The last purchase of lead by this Commissioner, was at four cents per lb., at six months credit.

It might have been explained, too, how it was that Wandell’s bill of repaving the streets, amounting to \$903 25, was charged at the rate of twenty-five cents per yard, when the Street Commissioner estimated such work, to this Board, at about twelve and a half cents per yard.

He might have explained how it was, that laying down a certain number of pipes (supposed by us, [for we had to guess at it,] to amount, in extent, to one mile,) should have cost \$2112’43, when Mr. Jervis, our Engineer, estimated that it

would cost, by contract, \$920 ; and how it was, that in a labor bill for laying down these pipes, amounting to \$1209 18, the average price of the labor is \$1 25 per day for each man. And so in the bill of T. & G. Rowe, for stopcock castings, amounting to \$451, and the bill of James Robertson, for fitting up said stopcocks, amounting to \$1080, they are charged at the rate of \$97 48 for each twelve-inch stopcock. That is to say, the average cost of the nine sets is \$27 48 each, and the price charged for fitting them up is \$70 each ; making for each twelve-inch stopcock \$97 48. Mr. Jervis, our Chief Engineer, informs us that he is offered the twelve-inch stopcock, of the *most approved* construction, for \$80, including fitting up, being \$17 48 on each less than those charged in the bills presented for our approval ; and, in addition to this, there is good reason to doubt if the stopcock the Corporation are now using, ought to be used at any price. Mr. Robertson submitted a plan to our predecessors and engineers during the time of our predecessors, and it was disapproved of by them. And although Mr. Robertson has changed the plan of his stopcock again, yet this alteration, or new plan, in the opinion of our engineers, makes it more objectionable than that which our predecessors discarded. Therefore it was that we asked that a set of each should be sent to this office, that they might undergo an examination.

We have no answer to the explanations we asked of the officers of the Corporation, except we are to consider that we have an answer in the ordinance of your Honorable Bodies, referred to in this communication, against which it is our duty, in some particulars at least, to remonstrate.

The first section directs the Comptroller to charge the Water Fund with our requisitions north of, and including the Distributing Reservoir at Forty-second street, and to charge the requisitions of the Corporation Aqueduct Commissioner, for all the expenses south of the Distributing Reservoir. And the fourth section is of like import.

And you assume the right to limit this commission to the

Distributing Reservoir at Murray's Hill ; yet our predecessors, in presenting the Corporation, in 1835, with the original plans for this work, included a plan for laying down the *mains*, and the distributing pipes throughout the city, the estimated cost of which was \$1,261,627 ; and these were the plans adopted by the State Law, and directed with such immaterial alterations as might be deemed necessary, to be carried into effect *by the Water Commissioners*.

And although, in a late communication to the Corporation, this Board of Water Commissioners remarked, that it had been *reported* that the late Commissioners supposed their powers were limited, by the original law, to Fortieth street ; yet this report, it appears, was not correct ; for Mr. Allen, the late Chairman of our predecessors in office, called to say that we were in error in this respect ; and that they had never supposed the powers of the Water Commissioners were limited to Fortieth street. If the Water Commissioners were confined to the limit of Fortieth street, by the State Laws, then no provision was embraced by these most ample statutes of 1834 and 1835, for conducting water *into the city* "for the use of the inhabitants," (which are the words of the law,) beyond Fortieth street. And we would respectfully ask, if this Board are limited to Fortieth street, by the State Laws, how it was that the Corporation asked our predecessors, as early as 1836, to go on and lay down the distributing pipes throughout the city ?

"The Croton water not being ready to be supplied, and the late Commissioners wanting all the money for the aqueduct that the State had voted, and the Corporation not then having funds to hand over to the Water Commissioners, appear to have been the reasons for our predecessors not executing this work.

The Corporation could not have wished our predecessors to have undertaken duties which they were not authorized, by the State Laws, to perform ; or is it, that what was sufficiently

good law for our predecessors, to proceed with, is no law for us?

And how is it that the Corporation never assumed they could carry on this work, or use these funds, until the clause was introduced into the Tax Bill of 1838, allowing payment for the pipes laid down? If this commission, therefore, had not the power, under the State Laws, to lay down these pipes, then, certainly, nobody had it.

Again; all the authority that the Corporation claimed, is, to lay down the pipes. Who is to contract for, and see executed, the contracts for the hydrants, the connecting pipes with the dwellings? Who is to make the necessary waste weirs? Who is to make a reservoir, still lower down in the city, to give head in the compact part of it, or increase the height of that in Thirteenth street? Where are the funds to come from? What funds are to pay for the Manhattan Company's pipes, or any of their works? Can it be done, except by contract, made with this Board? And cannot this Board take, by appraisal, their whole establishment, if needs be? We apprehend they can, although the means of procuring it by negotiation, (which we understand is suggested,) is far preferable. If our powers are limited to Fortieth street, we can furnish no facilities to carry out what might be your wishes in any of these respects.

The third section of the Corporation Ordinance enacts, that no contract, hereafter made by the Water Commissioners, shall be binding on the *Common Council* until ratified by the *Common Council*.

Now the Water Commissioners *do not derive* any of their powers to make contracts from your Honorable Bodies. And we say respectfully, that we shall continue to make contracts for the work, as heretofore made, and furnish, as the law of the State directs, your Comptroller with copies of the same; if our requisitions are not paid, as heretofore, that then we shall draw upon the Comptroller in favor of each individual

contractor, as from time to time his money becomes due. It must be for the judicial tribunals of the country to decide, whether this Board is authorized to make such drafts, and whether your Honorable Bodies are bound to pay them.

We shall certainly regret, if the declaration on the part of the Common Council, through this ordinance, that "*you will not pay our contracts, unless they are first ratified by the Common Council,*" prevents our contracting for the work, with the advantage that our predecessors, as well as ourselves, have heretofore enjoyed.

We will most readily furnish, agreeably to the new ordinance, a *monthly* account of the contingent expenses, although our predecessors furnished only a semi-annual account; and in all other respects, we will comply with the instructions of the Corporation, when they do not attempt to set at defiance the laws of the State, or to deprive us of powers vested in us by the Acts of the Legislature.

In another section of the ordinance, the Corporation have been pleased to limit our draft for the *contingent fund* (which has always been a monthly draft) to \$5,000. We last month drew \$7,500, and expended \$9,500. The balance now on hand, of this fund, is \$47 10, which is in bank, to the credit of the President of this Board of Water Commissioners' account, as the account sent the Comptroller will show.

Although this fund is called "contingent," its name does not fully indicate its character; as, for instance, the monthly expense of laying down pipes between the reservoirs, and the pay rolls of the Engineer Department, (last month amounting to \$4,674 03,) is paid out of this fund; and these amounts are included in this account, to save labor to the Comptroller; if not so introduced, we should have to draw an additional hundred requisitions for drafts to be issued by the Comptroller, signed by the Mayor and the Clerk of the Common Council. The Common Council have no law for limiting this draft, and they certainly displayed no courtesy

in doing so, without asking us how much would be required for this contingent fund. In our opinion we shall require \$7,500 for the current months, (being the same amount drawn for, for the last month,) and we have drawn for it; and we pray the Corporation to repeal their ordinance, and to direct the Comptroller to pay this draft.

There are two or three subjects we take leave to advert to, which are independent of the ordinance, but which furnish additional reasons for the conclusion this Board has come to, in relation to the laying down of pipes.

We learn that the line of pipes, lately laid down in Second street, consists of six-inch pipes, from the East River to Allen street—then, from Allen street to the Bowery, twelve-inch pipes are laid; and then from the Bowery, on towards Broadway, again, six-inch pipes are laid. It is said, the neighborhood being surprised, asked the reason of this expensive and irregular mode of doing the work, and were answered that they had used up all the six-inch pipe on hand!

Again, we are informed, that in laying down the pipes in Walker street, at the usual depth of from four to five feet, an obstruction of a gas pipe presented itself. The Corporation could not remove it without becoming trespassers, they having consented to its being there laid. The pipes were accordingly laid within about two feet of the surface, when, in several instances, during the last winter, pipes have frozen and burst when under ground three and a-half feet.

The Water Commissioners, under the Laws of the State have the right to remove, and could have removed the obstructing pipe to some other suitable place, and probably would have done so. The difficulties arising in this case from want of legal authority on the part of the Corporation, in a severe winter, in the case of fire, might be serious beyond calculation.

And, in addition to the above reasons why this work should be done in this office, is the fact that the work is now

doing by the Corporation by days' work, whereas we should do it by contract—although we admit, for the laying down of the very large pipes, the *lead connections* were, by our predecessors done by days' work, yet it was done at the instance of the engineer, being then entirely a new kind of work, to enable them to judge what price, in future, contracts ought to be made at, for like work.

We perceive the Corporation Aqueduct Commissioner is advertising for proposals for furnishing pipes cast "directly from the ore, or from remelted iron." The pipes which our predecessors contracted for, they stipulated should be cast from pig iron, remelted; and our engineers have expressed very decided opinions, that such are the only pipes which ought to be used in the work, especially for the large mains. And, from the best information we are able to obtain, we are led to the conclusion, that pipes of such sizes as are required for the principal mains in the city have not only never been cast directly from the ore, but, if so cast, would be entirely unfit to be used in situations where strength and durability are so important as in a work upon which thousands will be entirely dependant for a daily supply of the indispensable article, water.

By the advertisement, the foundries of the country will suppose, that the "blast furnace" pipes will probably be contracted for, and therefore, instead of proposing for the only kind of castings which should be used, they will, probably, propose only for the description of castings generally used for the smaller pipes; they not generally having the necessary apparatus for the kind of castings which are approved.

Again; the pipes of 36 inches diameter, which we are laying down, are of only *one inch* thickness. The Corporation Aqueduct Commissioner advertises for pipes of *an inch and a half*, being fifty per cent. more weight and expense. If the Corporation Commissioner is right, and our description of pipe fail, then he will derive no advantage from his supe-

rior pipe, for he will have no water. Would it not therefore be right that our Engineers should conform to his judgment, or that the pipes he advertises for should have conformed to those approved and put down under the direction of this department.

The instances herein referred to, of want of skill and talent somewhere, came accidentally to our knowledge: we should not have mentioned them in this communication, unless to do away an impression that we are disposed to make trouble unnecessarily to any body. We only act on the defensive, and in our own justification.

Now there being nothing in the law, confining the Water Commissioners to Fortieth street on the Island, we have advertised and contracted for, and it is our intention to proceed to excavate the Fifth avenue for the foundation of the large mains, most of which are thirty-six inches diameter, so as to connect them with the pipes laid down for distribution. We have been led, in addition to the reasons given, the more to take this step, from a consideration that the work requires the science, judgment and experience of such engineers as the Corporation are paying for in this office.

And under this state of things, we feel constrained to say, that we have for the reasons set forth in this communication, declined to approve the bills presented to us by the Corporation Aqueduct Commissioner, for the distributing pipes now laying down; and have directed them to be returned to the Comptroller.

In conclusion, we have the less reluctance in adopting the views expressed, inasmuch as the Corporation are of course enabled to pay for the pipes they are laying down, out of any of the city funds under *their control*; and if our views are incorrect, the new Legislature shortly to be elected by the people, and who will soon thereafter convene, can remedy any errors we may have fallen into, and by special Act authorize the Corporation to repay themselves out of the Cro-

ton Water Fund, *at present* supposed to be under our control.

All of which is respectfully submitted.

SAMUEL STEVENS,
JOHN D. WARD,
Z. RING,
SAMUEL R. CHILDS,
B. BIRDSALL.

EXTRACTS FROM DOCUMENT NO. 70.

"The Chairman of the Croton Aqueduct Committee called on Mr. Ward, one of the Water Commissioners, and took him to the manufacturer of the stopcocks, where all the parts were examined separately, and it was believed by the Chairman of the Aqueduct Committee, that the preference of the new stopcocks over the old kind was so clear and self-evident that it *must be apparent* to the most superficial observer, and *particularly* so in the presence of the *fact, that the old kind are constantly getting out of order, and making it necessary to break the pipes to which they are connected, in order to get them out to be repaired*; when the new kind can be repaired, by simply unscrewing a cover, which opens a convenience, to get at all the internal arrangement which can be taken out and replaced, without difficulty or delay.

There is now in use about one hundred of these stopcocks, and there has been but two or three trifling repairs necessary, in the two years that they have been in use, while, of the other kind there has been several thousands of dollars loss to the city in time, labor, and pipes broken, in order to get those out which were found to be useless.

It is also found, in practice, that there is scarcely any of the old kind that will shut off the water so completely as to

admit of connections being made to the pipes, without closing off a number, to effect that object.

Soon after the reception of their note to the Aqueduct Commissioner, the Chairman of the Aqueduct Committee called on the President of the Water Commissioners, and made such verbal explanations in relation to inquiries made by him, as was believed by the Chairman of the Aqueduct Committee to have been satisfactory, promising, at the same time, that a full and detailed account (from the commencement) of all the operations of the department would be completed and submitted, as soon as it could be arranged for that purpose.

The bill of paving, at twenty-five cents the square yard, complained of by the Commissioners, includes not only the paving, but the furnishing of new sand, and also the carting away of all rubbish that is left after laying the pipes.

This bill has been submitted to the Street Commissioner, who is of opinion that the charge is not unreasonable.

The charges of five and five and a half cents per pound for lead, is ascertained to be a fraction more than was offered for it last week, by the whole cargo, by Mr. McCullough.

As to the great expense, and want of system in laying down the pipes, alluded to by the Water Commissioners, both by the former Committees of the Common Council as well as the present, it does not become us to speak, as it is much easier to discover a mote in our brother's eye, than it is to find the beam in our own.

It seems to have been thought by the Water Commissioners, that we were proceeding with the work (to use their own language,) "in such a puerile manner," that it would appear from their communication, that they thought it singular that the Common Council should hesitate to turn over the whole subject to the guidance of their superior intelligence and discretion.

The Water Commissioners, to use their own language, say that "their Board, anxious only for the *credit* of the

whole work, that the pipes should be laid down in a proper and economical manner, hoped that this new organization *might*, although they *doubted* it, in future proceed in such a manner, that the opinions of this Board and their engineers might be *all* applied to this important branch of the Water Works.

They then state that two of their number proceeded, with two members of the Croton Aqueduct Committee, to Philadelphia, to obtain information in relation to laying down the pipes for the supply of this city with water.

Your Committee, on that occasion, had an equal opportunity with the gentlemen of the Water Commission to obtain information, although they may not have had the same capacity to receive it.

* * * * *

The Water Commissioners seem to think it strange that we are unwilling to take their advice, and give from twenty to thirty per cent. more for all the casting necessary to supply this city with water than we can obtain them for, cast directly from the ore, notwithstanding they received assurance (in the presence of the Chairman of the Aqueduct Committee) from Mr. Graff, who has been the Superintendent of the Philadelphia Water Works for thirty years, who stated to them that nearly all of their pipes were cast by the blast furnace, directly from the ore; and that when he has had them cast from the same ore, at the same furnace, both from the remelted iron, and directly from the ore, he had not been able to ascertain that one was better than the other, either by the proof or use of the same.

The Chairman of the Aqueduct Committee has also shown to Mr. Ward an able communication, lately received from General Wade, who is an Agent sent out by the United States Government, to ascertain how iron can be cast to produce the greatest possible strength—who says it is ascertained, beyond all controversy, that the iron is stronger, cast directly

from the ore, than it can ever be made by remelting the same.

Still the Commissioners urge on us the propriety of having the pipes cast from remelted iron, notwithstanding it will cost from twenty to thirty per cent. more than to get them directly from the blast furnace.

The communication says "they suppose that the blast furnace pipes will probably be contracted for, instead of remelted iron, which they give as their opinion, are the only kind of castings that should be used," notwithstanding the additional cost to the city of between twenty and thirty per cent., and notwithstanding the experience of thirty years, in laying down pipes, has satisfied Mr. Graff, of Philadelphia, that the pipes cast directly from the ore, are as good as those cast from remelted iron.

The Corporation have been paying to one of the Water Commissioners for castings for stopcocks, at the rate of eighty-nine dollars and sixty cents per ton, when we can get them warranted of as good quality from the blast furnace for sixty dollars per ton.

* * * * *

The instances of "want of skill and talent somewhere in this department, which have (as they say) accidentally come to their knowledge, seems to the Commissioners to be quite a sufficient reason why the Corporation should submit the whole affair to their superior wisdom and direction, and allow them to purchase all the pipes of remelted iron." Now, although we do not mean to intimate a want of sincerity on his part, one of their own Commissioners is now an applicant to the Aqueduct Committee to furnish the large mains, for the supply of this city with water, and to whom the Corporation is now paying one dollar and ninety cents per foot for twelve inch pipes, that are actually one hundred and eighty pounds lighter than those we are purchasing from others for one dollar and sixty cents per foot.

It is said by the Commissioners, that their last purchase of lead cost four cents per pound, when in the same communication they acknowledge it to be less than the market price of that article. It is, therefore, fair to presume that it may have been of that kind of lead that is taken from Illinois to England, and remelted, incorporating with it a sufficient quantity of the dross of their lead to enable them to send it back to this market, and undersell pure lead.

PETER COOPER,
WILLIAM CHAMBERLAIN,
SAMUEL NICHOLS.

STREET COMMISSIONER'S OFFICE, }
DECEMBER 10TH, 1840. }

PETER COOPER, ESQ.,

Chairman of Croton Aqueduct Committee :

DEAR SIR :—To avoid any misapprehension as to the import of statements made by me to the Water Commissioners, in relation to the expense of repaving, referred to in their communication to the Mayor, October 1st, 1840, I think proper to communicate to you briefly in writing, the conversation had with them, and the circumstances under which my statements were made.

I had occasion, in August last, to see Mr. Stevens at the office of the Water Commissioners, in relation to the expense of extending the pier at the foot of Beekman street, of which he was part owner ; on which occasion the Commissioners were desirous of ascertaining, from me, the cost of repaving. I informed them that the price per yard varied materially in different years ; that, in 1837, it was as high as sixty cents ; that price having been paid for repaving the Bowery, between Grand street and Chatham square ; that, subsequently, the price was forty-five cents ; and that contracts had been made, during the present year, as low as eighteen cents per yard, for repaving Market slip, and also Eleventh street ; the contractor to use such of the stone in the street as should be found suitable to form the new pavement, and supply the balance which should be requisite : the sand, or gravel, into which the pavement was to be bedded, to be an extra charge. I remarked that I had understood that the contracts were taken so low that no profit could be realized from them, and that the contractors took them at the rate named, to keep their men in employ. there being comparatively but little of this kind of work to do.

I was asked in regard to the value of repaving over trenches, made in the streets for the purpose of laying water pipes; and I informed them that it would depend upon the character of the pavement in the streets through which the pipes might be required to be laid; that, in former years, very small stones were used in the construction of pavements, which are now rejected, in paving or repaving streets, and stone of better quality substituted; that if the repaving were to be done in the streets paved as first mentioned, gravel in most cases would be required to be furnished, and a considerable quantity of new paving stone, to supply the proportion which would be unfit for use, and that under these circumstances it would be effected at greater expense than if done in a newly paved street, where a sufficiency of these materials already existed. In illustration of this statement, I remarked farther that I had understood from the Superintendent of the Rail Road Company, that he had contracted for repaving between the tracts in Centre street, where the pavement was new, for twelve and a half cents per yard. The contractors having no gravel or paving stone to furnish, and the carts of the Company being employed to remove the rubbish.

Mr. Stevens remarked, that in paving over the pipes they never furnish any thing, but simply replace the old paving stones; and I think I observed, that in such case, the paving might be done at from $12\frac{1}{2}$ to 18 cents per yard, for a large quantity.

The above is about the sum and substance of my conversation with them on this subject, as far as my memory serves me. The conversation was incidental, and took place previous to the present controversy between the Commissioners and the Committee; and without any knowledge, on my part, that any contract had been made by the Committee for the performance of the work in question. My impression was, that the Commissioners were about to make a general estimate of the expense of laying the pipes in the city, and my

statements were consequently made without bias towards either party.

I have subsequently had conversations with members of the Croton Aqueduct Committee, from whom I learned that a contract had been made by the Committee with Mr. Wandell, to repave over the pipes, and that they had been informed by the Commissioners that they were paying too high a price; in reference to which they desired information, and was informed by them that Mr. Wandell was required to furnish sand to pave on wherever there was a deficiency of that material, together with such new paving stone as might be required to make a good pavement, and to remove all the rubbish. Also, to pave up to the hydrants without additional charge. And I gave it as my opinion, that repaving done in that manner, if faithfully performed, was worth 25 cents per yard, the price paid by the Committee. The lowest price, as I have before stated, for which we have procured repaving to be done, after advertising for proposals, being 18 cents per square yard, the sand being an extra charge of 6 cents per load of 9 cubic feet, which would amount to about 25 cents per yard; although the contractor, in this case, is obliged to wait until the money is collected on the assessment.

The foregoing embraces all the circumstances which connect me in any manner with this subject. As to the merits of the work in question, I have made no examination, and possess no information whatever.

I have the honor to be,

Respectfully, your obedient servant,

JOHN EWEN,

Street Commissioner.

DOCUMENT No. 33.

BOARD OF ALDERMEN,

DECEMBER 28, 1840.

*Report of the Joint Special Committee on the Memorial
of the New York and Albany Rail Road Company.
Laid on the table and ordered printed.*

SAMUEL J. WILLIS, CLERK.

The Joint Special Committee, to whom was referred the accompanying Memorial of the New York and Albany Rail Road Company, respectfully submits the following

REPORT:

Having on a former occasion fully expressed their opinion of the great importance of the enterprise in which that Company is engaged, it is not deemed necessary in this report to go into a detailed examination of that branch of the subject. The vital issues dependant upon the success of efforts now making to open that great avenue of trade and travel, involving, as your Committee believes, the permanent prosperity and commercial supremacy of our city, are believed to be

fully understood and duly appreciated. The Common Council have already given evidence of their high estimate of the undertaking; and there is, perhaps, only one more method by which they can promote the great object in view, without transcending the powers with which they are invested; and that is by giving the public a tangible opportunity to express theirs. The memorialists truly say, that "the time has arrived when longer delay in the prosecution of decided measures would endanger a most valuable portion of the trade and commerce of the city;" and so far as the Common Council possess ability to facilitate the work, a strong responsibility rests upon them, which will not justify the withholding of any reasonable exertion on their part. No one can be found in this enlightened day, who will venture to deny the value of rail roads as a means of intercommunication. Apart from all commercial considerations, they may be regarded as one of the most efficient instruments to facilitate intercourse between communities, and thereby promote the progress of society to the highest attainable state of civilization and refinement: but while the utility of rail roads is universally acknowledged, great diversity of opinion prevails as to the proper means for their construction, and probably no method has yet been devised that is entirely free from objections. When constructed entirely at the expense of the State, their location is liable to be made dependant upon political contingencies, and their true value is often sacrificed to the capricious whims of politicians. It is also fair to presume, that if the State should become sole proprietor of a number of rail roads, it would exact more than a proper amount of revenue from those that were really productive, in order to compensate for losses upon its unprofitable investments; besides, which, the constant accumulation of State obligations, principally held in foreign countries, the immense increase of government patronage, the want of economy almost invariably attendant upon government disbursements, rendering the cost of constructing and main-

taining such works unnecessarily large ; and their continual liability to political abuses in every imaginable form, all contribute to awaken what appears to be a well founded jealousy against public works of this description. The same objections apply with almost equal force to the ordinary method of loaning State credit, because in many cases it involves a liability to the loss of the money loaned, or a necessity for assuming the undertaking as a State enterprise, in order to save the State Treasury from a total loss of the amount invested. Notwithstanding these objections to the ordinary methods of obtaining ways and means of constructing works of internal improvement, it cannot be disputed that they are, in themselves, considered almost always a great public benefit ; and, as such, entitled to some degree of public patronage. The proper mode and measure of government aid, is a question that has not yet been definitely settled ; experience will, it is hoped, ere long point out some less objectionable method than has yet been adopted. The plan suggested by the memorialists appears more unexceptionable than any one hitherto devised. It is unquestionably more desirable that a great artificial avenue of commerce, like the one contemplated by the memorialists, should be constructed by private enterprise than by the State ; all the general objections to State works apply to the New York and Albany Rail Road, and some of them with unusual force. The interests involved in it are immensely important ; and as in the opinion of your Committee it is likely to prove an unusually profitable road, it is particularly desirable that its revenues should not be made tributary to the unproductive enterprises of the State. What then can be done to induce individuals to contribute the necessary funds ? The reason why they have not hitherto done so, is that they have not been persuaded that the investment would be profitable. If any thing can be done to insure a profit on the investment of money in the road, the difficulty would be obviated, and the road would be built. An ordinary loan of a million of

dollars in City Bonds would not remove that objection, because the interest on those bonds would have to be paid by the Company, which would add to the aggregate of cost, and diminish the probabilities of profit, and consequently add no new inducement to private investment: besides which, the immense debt incurred in the construction of the Croton Aqueduct admonishes us of the necessity of husbanding our credit; and though the abundant supply of pure and wholesome food which the rail road would be the means of furnishing, would probably be as desirable an acquisition to the city as the pure and wholesome water which the aqueduct will provide, yet it would not be prudent in the present state of our finances to contribute so large a sum towards its completion, if it can be avoided. But if the comparatively small sum of three hundred thousand dollars, asked for by the memorialists, were granted on the terms proposed, it would be equivalent to an insurance of profit to subscribers, and your Committee believe would secure an adequate private subscription and the completion of the road.

The attainment of so desirable an object, your Committee believe, would warrant an unqualified appropriation of that amount from the City Treasury; and probably a greater public good would be effected, than by an appropriation of a similar amount to any other object that has been or can be proposed; but so strong is the confidence of your Committee, of the probabilities of large profit from the New York and Albany Rail Road, that they believe the chances of a return of the amount to the City Treasury, would be far greater than in ordinary loans to ordinary undertakings. When we take into consideration the amount expended by other cities, with a population very considerably smaller than ours, and with interests at stake comparatively trifling, with a view to secure to themselves advantages (the same in kind but infinitely less in degree) which New York would derive from a rail road communication with Albany and Troy, and through the intervening counties, amounting, in some instances, to

more than double the sum asked for by the memorialists, we cannot consider their request at all unreasonable, and we can conceive of no well founded objection that can be made to it. Capitalists cannot be reasonably expected to invest their money unless there is a probability of realizing an annual income from it of seven per cent. ; and according to the terms proposed, before they are to be permitted to receive from it a larger dividend than that, they will be required to return every dollar of the loan back to the City Treasury. The Common Council are not asked to make the loan, but simply to give the people of the city an opportunity to decide whether they will do so or not. Whatever individual opinions we may entertain on the subject, as representatives of a republican community, possessing what we profess, entire confidence in popular intelligence, we need apprehend no danger from a popular decision of such a question. In order to ensure a faithful application of the loan, if made, to the purposes intended, and a compliance in good faith with that stipulation in the contract which provides for its ultimate return to the City Treasury, and in order that no portion of the loan may be made until a fair prospect is presented of the completion of the road, your Committee have inserted in their resolutions the following provisions :

First. That the law applied for shall stipulate that no part of the loan shall be made until the Common Council are satisfied that the New York and Albany Rail Road Company have obtained bona fide subscriptions to their stock in the Counties of New York and Westchester to the amount of seven hundred thousand dollars.

Second. That for each two thousand dollars in bonds issued for the purposes of the Company, satisfactory evidence shall be furnished to the Mayor and Comptroller, that one mile of road shall have been actually graded at the expense of the Company.

Third. That until the return of the amount loaned to

the City Treasury, the affairs of the Company shall be subject to examination by a Committee of the Common Council as often as they may deem it necessary. With these careful guards and securities against a misapplication of the loan proposed, your Committee have no hesitation in offering and earnestly recommending the adoption of the following resolutions:

Resolved, That in the opinion of the Common Council of the City of New York, the immediate construction of a rail road, connecting the cities of New York, Albany and Troy, is essential to the prosperity of the City of New York, to the maintenance of its commercial supremacy, and to the convenience and comfort of a large portion of our fellow citizens.

Resolved, That for the purpose of ensuring the prompt construction of said road, this Common Council will make application to the Legislature of this State, at its ensuing session, for authority to advance to the New York and Albany Rail Road Company, the sum of two thousand dollars, for the grading of each and every mile of said road, upon the completion of said grading; and for the purpose of making such advance, that the Common Council be authorized to issue their bonds, bearing an interest of six per cent., and redeemable at the pleasure of the Common Council, at any time after ten years from the date thereof; and that the Common Council should have power to raise annually, by tax, a sum sufficient to pay the interest on said bonds.

Resolved, That provision should be made in said law, that such advances should be made to said Company, on condition that said Company enter into an agreement with the Common Council to repay the same out of whatever profits may accrue, over and above its expenses, and the payment of seven per cent. to the stockholders, until the whole of said advances are repaid to the Common Council.

Resolved, That said law shall provide that no part of said advances shall be made until the Common Council are satis-

fied that the New York and Albany Rail Road Company have obtained bona fide subscriptions to their stock, in the Counties of New York and Westchester, to the amount of seven hundred thousand dollars.

Resolved, That said law should provide, and said Company agree, that until the return of the amount loaned to the City Treasury, the affairs of the Company shall be subject to examination by a Committee of the Common Council, as often as they may deem it necessary; and that the Common Council may annually appoint two Directors of said Company, one from each Board, who shall act as such until said advance is repaid.

Resolved, That provision should be made in said law, for submitting to the People of this City, at the next charter election, the question whether the Common Council shall aid in the construction of said work, in manner aforesaid; and if the same be determined in the affirmative, the Common Council will immediately commence said advances; and if the same is determined in the negative, the same shall not be made.

Resolved, That the Committee on Laws, &c., of each Board, with the aid of the Corporation Counsel, take immediate steps to memorialize the Legislature, for the purpose expressed in these resolutions; and that they prepare a draft of a law accordingly.

JOSIAH RICH,
ROBERT JONES,
DAVID GRAHAM, Jun.,
PETER COOPER,
ORVILLE J. NASH,

Committee of the Board of Aldermen.

HENRY E. DAVIES,
MOSES G. LEONARD,
WILLIAM ADAMS,
FELIX O'NEIL,

Committee of the Board of Assistants.

MEMORIAL

Of the New York and Albany Rail Road Company.

*To the Honorable the Common Council of the
City of New York :*

The New York and Albany Rail Road Company respectfully

REPRESENTS :

That at the time when your memorialists were incorporated, and for some years thereafter, several routes were proposed for the consideration of the Board, one of which ran out of this State, into two of the neighboring States. The obstructions which were discovered on that part of the route proposed to be taken in our own State, the difficulty of several charters emanating from the laws of different States, and the necessity imposed upon the Company of making accurate examinations, most happily delayed, a final decision on this important point—for it was subsequently discovered by the engineers, that a road could be constructed entirely in our own State, which would be more advantageous than either route which had been previously proposed or examined. This most eligible and beautiful route for the rail road, has been traced by the Company through the Counties of Westchester, Putnam, Dutchess and Columbia, towards Albany and Troy ; and for facility and cheapness of construction is as favorable, taking all the circumstances together, as any rail road of the same length in this country.

Your memorialists further represent, that they have taken very active measures to procure subscriptions on a scale commensurate with the extent and importance of this road, and to carry on the work in a manner called for by the benefits to be derived from this great undertaking; but have been retarded by the commercial revulsion under which the city has suffered, and by the apprehensions or apathy of the wealthy citizens of our community. But your memorialists being absolutely convinced that the day has arrived, when longer delay, in the prosecution of decided measures would endanger a most valuable portion of the trade and commerce of the city, have determined to appeal to the Common Council, the guardians of the interests of the city, for their countenance and aid.

We have the satisfaction of representing to your Honorable Body, that the farmers and people of Dutchess County, residing on, and in the vicinity of the line of road which has been laid down by the *New York and Albany Company*, have already entered into an obligation to provide the money to enable that Company, not only to grade, but also to construct, the whole of the road through Dutchess County and a part of Putnam, provided they can be assured that they will be met there, with funds to be raised (by the New York and Albany Rail Road Company) out of their County, towards which Company, the inhabitants of Dutchess profess entire confidence, and to whose direction, they are willing to entrust their interest, so far as relates to the construction of the road in Westchester County.

Under these circumstances, and with a view to inspire the public mind with confidence in the success of the road, and that your memorialists may be enabled to increase their subscriptions and extend them to a large class of our fellow citizens, your memorialists do, most respectfully and earnestly ask the Common Council, to afford them such facilities and assistance as your Honorable Bodies shall deem proper and suitable, and in such form and manner, as while

it best promotes the permanent interests of New York, shall be entirely consistent with the financial ability of the city.

With these views your memorialists respectfully propose that the Corporation of the City apply to the Legislature of the State, for a law, to be submitted to the People at the next Spring election, authorizing the Corporation to pay to this Company two thousand dollars a mile, on the whole route, to be paid as fast as the same shall be graded by the Company, and satisfactory proof thereof given to the Mayor of the City, that the work has been done.

The Corporation might be re-imbursed from the surplus profits of the Company, above an annual dividend of seven per cent. to the stockholders; and the money refunded by the Company might be appropriated to the Sinking Fund of the Croton Aqueduct.

When our citizens take into consideration the immense importance to the city of a good road to Albany and Troy, which will not be encumbered with embarrassing features of debt or mere speculation; and that, next to the Erie Canal, no improvement has ever been suggested which is so eminently calculated to promote the convenience and vital interests of this great commercial emporium, your petitioners cannot entertain a doubt that the electors of this city will approve of the measure of assistance which we have suggested, or of one of a similar character, which should be safe in its principle, and moderate in its amount, for the city to adopt.

And in the event that your Honorable Bodies should deem it more wise for the city, and equally advantageous to the Company, to make a small donation per mile, (for the purpose of uniting yourselves with, and encouraging subscriptions from, that class of our citizens whose means are limited,) your petitioners stand ready, in either event, to devote their time and exertions in constructing a good commercial rail road, on a solid and prosperous foundation, which shall put down all competition, *from without*, for our own produce.

At this period of commercial embarrassment, and with the Boston Road in advance of us, and within a few months of completion, a decided and vigorous line of policy, on the part of the city, seems to be requisite to enable our merchants and citizens to retain the advantages of their local position and commercial supremacy.

In furnishing this assistance, on behalf of your constituents, to promote and increase their prosperity and welfare, your Honorable Bodies have the example of Baltimore, Albany, Troy, Hudson, and several other cities, both in this country and in Europe. The principle of the conditional loan is what no individual can properly object to, if it is yielded, *that the contemplated road is a great public improvement to our city.* For the city certainly should so far encourage it as to make it an inducement for individuals to come forward and subscribe the residue of the funds, and to make the road. And your memorialists doubt not (if necessity requires it) that the State will, in some manner, extend a liberal hand to this, not only important city, but important State, improvement.

SAMUEL STEVENS,

President of the N. Y. & A. R. R. Company.

NEW YORK, December 14, 1840.

the first of these is the fact that the
 British government had no intention of
 allowing the French to establish a
 permanent presence in the West Indies.
 The second is the fact that the British
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 its position in the Caribbean Sea.
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DOCUMENT No. 34.

BOARD OF ALDERMEN,

DECEMBER 28, 1840.

Report of the Minority of the Special Committee on the subject of the Croton Aqueduct. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned, a minority of the Special Committee of the Board of Aldermen, to whom were referred the several communications of the Comptroller, the Water Commissioners, and the Joint Committee on the Croton Aqueduct, relative to the ordinance of the Common Council, passed September 24th, 1840, to establish the Croton Aqueduct Department, ask leave to

REPORT:

That in the view which they have taken of the controversy which has unfortunately arisen between the Water Commissioners on the one hand, and the Croton Aqueduct Committee of the Common Council and the Comptroller on

the other, much of the ground which has been covered by the majority of the Committee in their report, seems to be aside from the true question at issue. The real ground of difference between the Water Commissioners and the Common Council is, as to who have the proper authority to make contracts for the laying of pipes to distribute the water of the Croton Aqueduct through the city. If this power belongs to the Common Council, then the various matters which have been discussed before the Committee, and to which a large portion of the report of the majority is devoted, as to the economy or skilfulness of the work which has been done by direction of the Croton Aqueduct Committee, is, in the opinion of the undersigned, wholly irrelevant, inasmuch as any conclusion to which the Common Council may come upon those matters, can have no effect in vesting those powers in or withdrawing them from any other body ;—and if on the other hand, the Water Commissioners have the only legal authority to do the work in question, the fact that the Common Council are doing it better or more economically can in no degree tend to legalize the usurpation of powers on their part, or that of their agents, which are not vested in them by law. For this reason, the undersigned feel it to be their duty to throw out of view the mass of facts which have been spread before the Board on the subject of the economy or skilfulness of the work, as tending in no respect to elucidate the true and only question at issue, the legality of the exercise of the powers alluded to, by the one or the other of the two bodies between whom the controversy has arisen.

This is a question of law merely, and one which the undersigned deem it here unnecessary to discuss, for the reason that they have been credibly informed that it is now under advisement before the Assistant Vice Chancellor of the First Circuit, on a bill filed by the Water Commissioners. That Board having appealed to the lawfully constituted Judicial Tribunals of the State for a determination of the

question, it would be of but little profit for the undersigned, as it seems to them it is for the majority of the Committee, to enter into a course of reasoning to sustain their particular views respecting it. In all probability the opinion of the Assistant Vice Chancellor will soon be given upon the subject, and his decision will determine the matter, unless the one party or the other should carry it before a higher Tribunal. In any event, however, the Judicial Tribunals must determine the question; and any conclusion which may be arrived at, either by the Common Council or the Board of Water Commissioners, will be controlled or overruled by their decree.

The undersigned feel it to be their duty, however, in the mean time, to dissent from the views expressed by the majority of the Committee on this subject. They regard the authority which has been claimed by the agents of the Common Council as more than questionable, and, let its ultimate decision be what it may, they conceive that the Water Commissioners have done but their duty in placing the question in such a form as to set at rest all future doubts in regard to it; and they applaud their conduct in this, that instead of carrying on an angry controversy, productive alike of expense to the city and of embarrassment to the great work to which it relates, they have appealed to the laws of the land, by which it may be speedily and conveniently determined.

Presuming that no further action will be taken by the Common Council on the subject, until its decision by the Court before whom it is now pending, the undersigned content themselves with the suggestions they have thus briefly stated, and with referring the Board to the report of the minority of a similar Committee of the Board of Assistants, in which all the questions, relating to the controversy referred to, are fully presented and elaborately discussed.

Respectfully submitted.

DAVID GRAHAM, Jun.,
EGBERT BENSON.

DOCUMENT No. 35.

BOARD OF ALDERMEN,

DECEMBER 28, 1840.

Report of the Committee on Arts, Sciences and Schools, on the resolutions from the other Board, granting certain land to the Association for the benefit of Colored Orphans. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Arts, Sciences and Schools of the Board of Aldermen, to whom were referred the annexed petition of the "Association for the Benefit of Colored Orphans in the City of New York," praying for a grant of a portion of the public lands, and the annexed report and resolutions from the Board of Assistants, respectfully

REPORT:

That the said association, composed of females of the highest respectability, was organized in the winter of 1836, and was incorporated by the Legislature on the 16th of April, 1838. Its object, as stated in the Constitution of the

Society, is "to provide and maintain a place of refuge for colored orphans, where they shall be boarded, clothed, and suitably educated, until of an age to be bound out or apprenticed." Since its organization, the society has steadily pursued the object in view, as expressed in their first annual report, and as your Committee are fully satisfied, "on the basis of enlarged Christian charity, without sectarianism or party spirit, and entirely independent of the exciting questions that have lately agitated the public mind in relation to the colored race." The sympathies of those who founded this most commendable charity were elicited in favor of destitute colored orphans, because neither of the three liberally supported orphan asylums in this city made provision for this neglected class.

Your Committee were waited upon by two of the gentlemen constituting the Board of Advisers of the institution, (Messrs. William F. Mott and William Kelly, distinguished among our most philanthropic citizens,) by whom they were informed that the society has, since its organization, received by subscriptions, donations, and bequests, the aggregate sum of about thirty thousand dollars, besides a very considerable amount in provisions, clothing, and other articles. Of the amount received, thirteen thousand two hundred dollars are now invested for the purpose of erecting a suitable building whenever land is procured. A large portion of this sum was given on the express condition that it should be used for building only, and assurance is given of additional donations, for this purpose, provided the society can obtain the necessary land from the Corporation. It further appears that eighty-nine children have been received into the institution during the four years of its existence, and that forty-nine now remain. Several of the children thus received have been taken from the Alms House, and many from the abodes of want, wretchedness and vice; and no doubt can be entertained in the opinion of your Committee, that of those who have heretofore entered, and may hereafter enter it, a

large proportion would otherwise, either as paupers or criminals, become chargeable to the city. For these reasons, the society ask a donation from the city, of a parcel of land bounded by Forty-third street, the Fifth avenue, and Forty-fourth street, and extending two hundred and fifty feet west from the Fifth avenue, containing in all twenty lots of land.

The Committee of the Board of Assistants, deeming the institution in question a proper object of charitable endowment by the city, and regarding the improvement of the adjoining property by the erection of such a building as is proposed to be erected, as more than an equivalent for the value of the land, have recommended, and the Board of Assistants have adopted resolutions directing the necessary deeds for effectuating the same to be executed, provided the society shall within three years erect on the said land such building or buildings as shall be approved by the Mayor of the City, and that if those conditions be not complied with, the said grant shall be null and void.

Of the expediency of such a grant, provided the Common Council have the power to make it, or are not restrained by a due regard for the public faith from so doing, your Committee will not permit themselves to doubt; and they will therefore without occupying the time of the Board in discussing the general propriety of making the donation asked for, proceed briefly to consider an objection which has been already intimated in this Board to similar applications, namely, that the property of the city being pledged for the redemption of the public stocks, the Common Council have no power or would act in bad faith towards the holders of the public securities were they to make the grant in question.

This objection is founded upon the sixth section of the ordinance "Of the Fire Loan Stock of the City of New York," (*Revised Ordinances*, page 160; see also *Ibid.*, page 140, sec. 3,) by which it is provided that "the faith and property of the City of New York, and the proceeds of

all bonds and mortgages which may be purchased in pursuance of this law, are hereby pledged for the redemption of the said stock or loan;" and upon a provision in the Sinking Fund Ordinance, which declares that "the nett proceeds of all sales of real estate, which belonged to the Corporation on the first day of January, 1825, and sold since that date, or hereafter to be sold." (*Revised Ordinances, page 143.*)

The construction attempted to be put upon these provisions, that they are in effect a mortgage of all the property of the city, for the redemption of the public stocks, has never, until recently, been suggested; and would, if carried out, be most destructive of the liberal and humane policy of the city in the possession of the public lands; which, after all, it holds only in trust for the public benefit; and would, upon its very face, be most absurd and unjust. By a statement submitted by the Comptroller to the Common Council, on the 22d of October, 1838, that the value of the public lands, of a disposable character, was at that time \$15,563,912 20; and of the unproductive public lands, such as the Park, Battery, &c., was \$7,665,000 00; all of which, according to the assessment alluded to, as well as the bonds and mortgages purchased by authority of the Fire Loan Law; and, in addition, the faith of the city, are to be considered as pledged for the redemption of the public stocks.

Such never could have been the design of the provisions in question, and such has never been their construction by the Common Council. They have gone on, ever since, as they were accustomed to do before, selling and disposing of the public lands; and, where proper cases have occurred, have made donations and grants as formerly; and their continuing to do so can never have the effect of weakening the security of the particular stocks for the redemption of which the faith and property of the city are pledged, or of impairing the public faith.

But even were it otherwise, the difficulty may be obviated

by annexing, as a further condition to the grant, that it is made, subject to any lien which may exist upon it by virtue of its pledge for the redemption of any of the stocks of the city. This will remove all ground of cavil, while at the same time it will assure to the objects of the public bounty an undisturbed enjoyment of the property with which, for the purposes of laudable charity, they may be endowed. With this qualification, and with the further condition that the property shall forever be used and devoted to the objects of the charity in question; or, in case of failure, shall revert to the Corporation, your Committee are of opinion that the request of the petitioners should be granted.

In order to meet these views, which are not embraced in the resolutions as passed by the Board of Assistants, the Committee recommend a non-concurrence therein, and that the following be adopted as a substitute therefor:

Resolved, That all that certain piece or parcel of land, bounded northerly by Forty-fourth street, southerly by Forty-third street, easterly by the Fifth avenue, and extending westerly 250 feet from the Fifth avenue, be granted to the "Association for the Benefit of Colored Orphans in the City of New York;" subject to any lien now existing thereon, under any pledge heretofore made of the same, as part of the property of the City of New York, for the redemption of any portion of the public stock or debt of the said city, upon condition that the said association shall erect thereon, within three years from the passage of this resolution, a building or buildings, the plan whereof shall be approved by the Mayor of the City of New York; and upon the further condition, that they shall not sell, dispose of, or encumber the same; but shall forever keep the same for the purposes contemplated by the Charter of the said association: and in case of a violation of either of these conditions, the Corporation may re-enter and re-possess themselves of the said property

as in their former right; and that the Counsel of the Corporation be instructed to prepare, and have duly executed, such deed of the said property.

Respectfully submitted.

DAVID GRAHAM, Jun.,
PETER COOPER.

DOCUMENT No. 36.

BOARD OF ALDERMEN,

JANUARY 6, 1841.

Minority Report of the Committee of Arts, Sciences, &c. of the Board of Aldermen, on the Memorial of the Association for the benefit of Colored Orphans, for a grant of land. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned, one of the Committee of Arts, Sciences and Schools, of the Board of Aldermen, to whom was referred the memorial of "the Association for the benefit of Colored Orphans," for a grant of land from the Corporation, differing from the other members of the Committee in the conclusions at which they have arrived on this subject, begs leave respectfully to submit his views in the shape of a minority

REPORT:

The application comes from an association of the gentler sex, composed of ladies of the highest respectability, distinguished for intelligence, amiability and benevolence, asso-

ciated together for a very praiseworthy and charitable purpose, the maintenance and education of a neglected portion of the human family, the colored orphans, and is entitled to, and has received respectful consideration ; it is, therefore, with unfeigned regret that the undersigned feels constrained to say that he cannot give the application his support, viewing, as he does, the question of the propriety of granting the Corporation property in aid of special, charitable, or partial benevolent projects, devised and got up by individuals for peculiar purposes, or to assist distinct and separate classes, to the exclusion of others not coming within the distinction made by the several societies. The undersigned would desire distinctly to state that he is not opposed especially to this application as being unworthy of the bounty of the Common Council ; he feels free to say that it is as deserving and proper an object for its aid as any of the institutions or societies which may have partaken heretofore of its assistance, and perhaps much more so than some which have applied for the same : it is the principle involved in such grants that the undersigned deems erroneous, however much they may have been sanctioned by precedent and usage ; and it is with great diffidence that the undersigned ventures opinions opposed to custom and practice carried into effect by his predecessors in the councils of the city.

The public property of the city belongs to the *whole* community, and should not be disposed of unless for the common benefit of the whole : the Corporation authorities, as agents of the citizens, are bound to administer it for the advantage of the entire public, whatever their sympathies or however much their generous feelings may be wrought upon by appeals like the one under consideration ; they should consider and inquire if granting such requests would not work a virtual wrong to other institutions or societies who are not equal participants of the public bounty.

The City of New York justly boasts of many noble charities sustained and supported by private benevolence, of many

institutions for the diffusion of science, arts and information, of many religious societies for the amelioration of the lot of man, all deserving and all worthy the best wishes of the good and the aid of the able ; all these alike without particularising, would be entitled, on the principle of exact justice, to their share of the public property, if it were the proper province of the Common Council thus to dispose of the property and funds of the public, placed in their keeping for the time being : this in the opinion of the undersigned it is clearly not, and would be exceeding the powers vested in them : as well might they aid with the public funds some favorite and plausible scheme of rail road intercommunication, or any other project of individuals or companies, specially got up under the plea of public good—the more carefully and strictly the duties of the Common Council are confined to the legitimate objects for which they were elected, the better for the public ; and all the various projects, whether benevolent, religious, or for profitable advantage with which our city teems, had better be left to the judicious discernment of the people for such support as they may think proper to give in their individual capacity, or by association.

It is a sound maxim among individuals that it is best to be just before being generous, and it may perhaps apply as well to communities. The City of New York is now in debt to the amount of say about \$10,000,000 for the Croton Aqueduct, and all other purposes, and this amount will doubtless be increased before it is lessened by any revenue accruing. The property held by the city may be estimated at something less than \$5,000,000, for such part as is not in use, or required for public purposes, or which could be disposed of. This, as well as *all* the public property, is pledged for the redemption of the loans of the city. Would it not be well or proper for the Common Council to pause in its career of granting the public lands in aid of partial or special benevolence, till such time as the load of debt was reduced, or in a course of secure redemption ? Would it not be best that the proceeds

of all the public property disposed of, should be truly and strictly devoted to the purposes for which it is pledged? The expenditure of the city, for its ordinary and proper charges, has already reached an enormous and startling amount, vastly exceeding that of many States together, and destined to be still larger, as the city increases and the same system is pursued. It certainly behooves the authorities to observe economy in its *charities*, as well as other disbursements; and, even if such grants were politic and expedient in former times, when the city was not in debt, and its ordinary expenditures were comparatively trifling to what they are now, those circumstances are at present very different, and a different course should be pursued, particularly if there be a question as to the propriety of the Common Council exercising an authority that may be doubted, as to their right of making such disposition of the public property.

It is urged that the grant asked for is but of small moment, being for only twenty lots of ground, between Forty-third and Forty-fourth streets, and that these lots are not of great value at present. This may be true, but their value will be increased as their proceeds will be wanted in aid of refunding the city debt; and the same may be said of other lands that the city owns, that are unimproved; but it is no argument that they should be gratuitously bestowed. Our citizens will find that the resources of the city will need careful husbanding before the debt it has incurred will be extinguished, or put in train to be lessened, without resorting to increased taxation.

For these reasons the undersigned deems it inexpedient and improper to make the grant applied for; and the same apply to the case of the memorial of the Asylum for the Deaf and Dumb, for a similar grant; a report in favor of which is now lying upon the table of this Board.

Respectfully submitted.

ELIAS L. SMITH.

DOCUMENT No. 37.

BOARD OF ALDERMEN,

JANUARY 6, 1841.

Report of the Majority of the Special Committee, on the Communication from the Comptroller, relative to bills for expenses at the November Election, in 1840.— Adopted and ordered to be printed for the use of the Members.

SAMUEL J. WILLIS, CLERK.

The Select Committee, to whom was referred the communication of the Comptroller, in relation to the expenses of the late November election, with the bills presented at his office, amounting to \$20,000, respectfully

REPORT:

That they have examined all the claims referred to them in relation to that election. These may be divided into two classes: the first class composing those which relate to receiving and canvassing the ballots, including the claims of

Inspectors and Clerks, not recognized in the Act "to prevent illegal voting, and to promote the convenience of legal voters in the City of New York ;" and the second class comprising those relating to the making a registry of voters.

With respect to the first class, your Committee recommend resolutions authorizing their payment; and it affords them great satisfaction to state, that the conducting our election under a district system (exclusive of a registry) is as economical as the system is popular. If the present law was unincumbered with the unconstitutional trammels of a registry provision, it would really promote the convenience of the legal voter; and was the right of challenge at the ballot box restored, fraudulent voting, as far as human laws can restrain, would be effectually prevented.

Notwithstanding the acceptance of office by the Inspectors and Poll Clerks, with a knowledge that they would be entitled to no remuneration for their services, your Committee believe, and so recommend, that from motives of public policy they should at least be so far compensated as not to render the acceptance of the office a pecuniary charge to them, as well as a loss of labor and time, lest it should hereafter be difficult to obtain the services of any such officers. The number of polls held was seventy-four. The following items will show the allowances proposed by your Committee :

Rent of 74 polls, not to exceed \$10 each	\$740
Fixtures for 74 polls, not to exceed \$5 each	370
Pay for 222 Inspectors, day and night, at \$3 each ..	666
Pay for 74 Inspectors, as Ward Canvassers, at \$1 each	74
Pay for 17 Inspectors as County Canvassers, at \$1 each	17
Pay for 148 Clerks, day and night, each \$3	544
Pay for 259 Peace Officers attending polls, at \$3 each	777
Total allowance	\$3,188

The allowance for the necessary stationery used in the Inspectors' returns will be but a small item, and audited as to price by affidavit, as in the purchase of other stationery, the same being furnished through the Clerk of the Common Council.

It will thus be perceived, that the entire expense of conducting an election by a system of small districts, need not exceed three thousand two hundred dollars. It seems to be acknowledged, on all hands, that it affords every convenience to the legal voter he can desire; and is unattended with the delays, the loss of time, the bustle, the crowd, the extended dissipation, and the breaches of the peace, naturally produced by the collection of large and protracted assemblages of excited men; and your Committee are of opinion, that if accompanied by the constitutional right of challenge, as to constitutional qualifications, at the ballot box itself, it is as capable of rendering that palladium of liberty a purer and truer expositor of the public will than any other system, however cumbrous, ever devised. The Commissioners of Registry were required to commence making their record of votes on the sixth day of September, and to close their duties, with respect to that election, on the fourth of November following, a period of fifty-two days, excluding Sundays.

A continued session, during this period, is not required by the law; the time designated in the Act is twenty-eight days, and the sum of two dollars for each day actually and necessarily employed in making the registry, and revising and examining the same, is the amount of compensation fixed for each Commissioner and Clerk. As the bills presented vary from thirty-five to one hundred days, your Committee have agreed to allow only for the days between the sixth of September and fourth of November, actually and necessarily employed, to be verified by the affidavit of each Commissioner, as in the case of other creditors of the Corporation, where time is claimed.

Two months rent for the registry offices, at most, is all

that can be claimed for room hire. The bills for this are extravagant, and unless the price charged was agreed upon, and stipulated for before the Registers entered into possession, ought not to be allowed. Your Committee are of opinion that fifty dollars, for two months rent of room, is a sufficient sum to have procured suitable offices in any part of the city, and propose that this amount be allowed, where the offices were in the exclusive occupancy of the Commissioners through the whole period; and the sum of one dollar and fifty cents per day in the cases where they were occupied as registry offices during only portions of that period. This allowance is inclusive of the cost of fitting up the same.

The claims for printing the registry of voters are in general also extravagant. Your Committee have been satisfied, however, that this kind of printing should command a higher price than is usually charged for other printing. It was executed at very short notice, and required the constant employment of hands, both night and day, to be executed in time. Your Committee therefore recommend the allowance of one dollar and twelve and a-half cents per each thousand ems; and this compensation to be paid in full of all charges, including paper, for two hundred and fifty copies, (which is more than twice the number directed in the law,) the composition and the presswork; and for posting, and other printing, the amount usually given for similar services. For the maps and stationery furnished the Registers, your Committee have allowed the bills as presented. The allowance for these items, as near as can at present be estimated, will reach the sum of \$16,000.

As to these, the second class of claims, then, as above allowed, amounting to over sixteen thousand dollars, your Committee report several resolutions to authorize their payment at a rate that they believe will be full compensation for the services rendered, although in many respects it is less than the amount claimed in the bills referred to them. The al-

lowance proposed by your Committee is large enough, however, to convince the most sceptical that this portion of the expense of conducting the November election is as excessive and burdensome as the law imposing it is unconstitutional, unnecessary and unpopular. And while your Committee has been induced to recommend the payment of these bills, they repudiate the law which has created them, and refuse to sanction the justice of its impositions. It is, perhaps, unnecessary for this Committee to discuss, at length, the provisions so universally odious and repulsive to the people; and to show that the convenience afforded to the legal voter, by the district portion of the law, is outweighed and destroyed by the vexatious difficulties surrounding him in procuring and maintaining the registry of his name; while the countenance it gives to concerted fraud by essentially abridging the right of challenge, and by designating the points where mercenary temptations may be employed, tends to weaken the confidence of the people in the purity of the ballot box, and to render the distrusting minority rebellious to the will of the majority thus suspiciously arrived at. The free exercise of the right of challenge at the ballot box as to constitutional qualifications, is, in the opinion of your Committee, the best protection against fraudulent votes, next to requiring every voter to establish his right by his oath, solemnly administered at the moment of voting. Against this portion of the law the Common Council has already protested. The elections held twice since the passage of the law, show that the people of this city do also protest; and now when it is ascertained that this repulsive and partial feature in the law is to be maintained by a tax of twice sixteen thousand dollars per annum, actually to be levied upon them without their assent, and against the expressed will of their representatives, in both the City and State Legislatures, is not the city government again called upon, as the immediate representatives of the people of this county, to remonstrate against the continuance of the Registry Law, and to claim

from the body which imposed it a speedy repeal? Your Committee, impressed with the importance of confining the necessary disbursements of the city within the lowest possible limit, feel then more called upon to animadvert upon this unnecessary and burdensome expense, and to recommend to you, in one of the resolutions annexed, a new appeal to the State Government to abolish the provisions which require a registry of votes for this city, as only heavily taxing them for a useless provision, and one which is capable of converting the ballot box into a means of nullifying the will of the majority.

The Committee offer for adoption the following resolutions :

Resolved, That the Inspectors of Elections, their clerks not exceeding two to each district, and the peace officers attending the polls, at the general election, 1840, be allowed and paid the sum of three dollars each. That such of the Inspectors as acted as Ward Canvassers, be allowed and paid the further sum of three dollars each, and that such as acted as County Canvassers, be allowed and paid the further sum of three dollars each.

Resolved, That a sum not exceeding ten dollars each, be allowed and paid for the rent of the district polls at said election, and a further sum not exceeding five dollars each, for the necessary fixtures at each poll, if certified by the Inspectors.

Resolved, That the Commissioners of Registry be allowed for each day of service actually employed by them as such, at the rate of two dollars per day, the number of days to be certified by them each respectively.

Resolved, That the Clerks and Marshals of the Commissioners of Registry, be allowed and paid at the rate of two

dollars per day, for the number of days actually employed as such at the meetings of the Boards of Commissioners, to be particularly specified and certified by the Commissioners of Registry of the wards respectively.

Resolved, That the amounts charged in the several bills presented for rent of offices, where such rent was fixed by the lessors and the said Commissioners previous to their being occupied by said Commissioners, be allowed and paid as charged ; and where not fixed, that the sum of one dollar and fifty cents per day be allowed for each day they were so occupied ; and that the same shall be in full for rent as well as for necessary fixtures, light and fuel ; and that the sum of fifty dollars be allowed for such rent where no agreement was made, and the offices exclusively occupied by the Commissioners the whole of the time.

Resolved, That two hundred and fifty copies for each ward of the registry of voters be allowed and paid for at the rate of one dollar and twenty-five cents per thousand ems in full of composition, press work, paper, and all other charges attending the printing the same. And that all other necessary printing be allowed and paid for at the rate usually paid by individuals for similar services. The bills for all printing to be sworn to by the persons doing the work.

Resolved, That the bills for the necessary maps and stationery for said election be allowed and paid as audited and certified by the Assistant Clerk of the Common Council.

Resolved, That the Counsel of the Corporation prepare a proper Memorial to the Legislature of the State of New York in behalf of the Mayor, Aldermen and Commonalty of the City of New York, asking for the repeal of so much of the law entitled "An Act to prevent illegal voting and to promote the convenience of legal voters in said city," as pro-

vides for the making a registry of voters, and for restoring to the electors of this county the rights still enjoyed by the citizens of the other counties in this State in regard to the elective franchise, and that the Counsel present said Memorial to the Common Council.

ORVILLE J. NASH,
WM. CHAMBERLAIN,
SAMUEL BRADHURST,
MOSES G. LEONARD.

DOCUMENT No. 38.

BOARD OF ALDERMEN,

JANUARY 6, 1841.

Report of the Minority of the Special Committee on the Communication of the Comptroller, with the bills of the Commissioners of Registry, &c. &c. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned, a minority of the Special Committee, to whom was referred a communication from the Comptroller, together with sundry accounts for expenses attending the Registry Law and the late Election, disagreeing with the views of the Committee, as expressed in their report, now submitted, although not in their views of the subject matter of the reference, begs leave to make this as his report, and most respectfully

REPORTS AS FOLLOWS:

That the undersigned, with the other members of the Committee, attaching much importance to the subject matter of

the reference, being the first of the kind under the "law to prevent illegal voting in the City of New York, and to promote the convenience of legal voting," &c., carefully examined the several and various accounts presented to them and referred to in the said communication of the Comptroller, and he cannot but express his surprise at the large and unexpected amount of the bills and expenditures at the late general election, and attendant on the law abovementioned, and more particularly those incurred or represented to have been incurred, by the Commissioners of Registry of the several wards. In many cases the amount charged for office rent strikes the undersigned as exorbitant, being fully equal to what would be a fair compensation for a year's use of the premises occupied by them, instead of the two months for which they could only be occupied. The bills for the necessary printing is subject to the same remark, of being excessively high; charges are made not only for extra work, paper, &c., but also for extra types, and for printing a number of copies of the several registers furnished to the Commissioners of Registry, or alleged to have been furnished them, far exceeding any requirements of the law under which the service was rendered, and by which the Treasury of the City and County was made responsible. The undersigned farther remarks that the Commissioners of Registry, or rather some of them, have not attended to so much of the law as fixes their pay, when framing their own charges; the law fixes a per diem allowance for every day they shall be actually engaged. The Commissioners of one of the wards (the Thirteenth,) have charged their per diem pay for more days than exist between the time fixed by law for commencing the registry and the close: in another ward (the Tenth) they, without any specification of the number of days actually employed, have each, severally, charged the round sum of two hundred dollars for their services, and the like sum for a Clerk, and which is totally unauthorized by the Act under which the service was performed. There are other

charges included in the bills presented to the Committee, the items of which are small, and which nothing but a sense of duty, and the most earnest desire to prevent the needless expenditure of the money of the tax payer, bids him to notice—that is, the very considerable amount which appears to have been expended for fixtures, lights and fuel, for fittings up of the offices for the Commissioners, and which were only for their temporary occupancy. In one of the wards (the Eleventh) bills were presented for chairs purchased, making, painting and graining a desk, all which the undersigned thinks could have been obtained without expense additional to the rent to be paid for the office, had a proper spirit of economy existed in the minds of the Commissioners authorizing the expenditures.

The undersigned thinks it his duty to say, that he is fully aware of the difference of opinion existing in this body, indeed in the community, as to the necessity of a Registry Law so called, or as to the Constitutionality of the law referred to. A majority of the Common Council have expressed their opinion, and for a repetition of that opinion by the Committee, and in a manner uncalled for, and acting on a subject not referred to them, is it that he cannot agree to the report of the majority of the Committee, and not from any dissent to their opinion on the subjects properly before them. The undersigned is not required by any reference to the Committee to state his opinion on the subject of this law, or whether the district system, if properly arranged, would not have attained the object of the law, to wit, the preservation of the purity of the ballot box; but he cannot refrain from saying that the Legislature in their wisdom having passed a law for obtaining that end so desirable by all—a law which they had a constitutional right to pass, as one of the best lawyers in that convention which formed our Constitution, and who has been since then most signally distinguished by his fellow citizens, in his place in that convention, when a clause was about being added giv-

ing this now doubted power said, "that the Legislature now have the power to pass laws authorizing an enrolment of the electors," it is the bounden duty of all, and more especially those who were elected to perform its duties, to endeavor to carry out that law in its spirit, and not render it oppressive by the mode of its execution, or onerous to the citizens and tax payers by a disregard or neglect of the expenditures necessary to execute it.

The undersigned means not to cast imputations on any one, and certainly not on those who, like himself, are elected by the People; and he regrets that he is compelled to disapprove of the acts of very many of the Commissioners of Registry, in the manner in which they have executed the high trust reposed in them in reference to the great cost and expenditure, and which is now to be made a city charge. A majority of them, being of the same political views with a majority of this Board, and, as he believes, fully agreeing with them as to the constitutionality and expediency of the law referred to, have certainly given the friends of that law, and all those who believe in its importance in preserving that pearl of inestimable price, the purity of the ballot box, a good right and colour to say, that that law has not been fairly carried out and tested, and that the expenses attending its execution have been greatly increased, and beyond the requirements of the law; and may they not add, too, that all this was not prevented, nay increased, for the purpose of rendering that law objectionable to those whom it was intended to aid, to wit, the legal voters, and creating a plausible reason for its repeal.

The undersigned fully agrees with the report of the majority, in paying the Inspectors and Clerks of the Polls, and poll hire, and to such of the resolutions as refer to the payment of the bills to indemnify them for actual expenses. And he also states, that he fully agrees with the majority of the Committee in prescribing the amount to be paid for the expenses attending the registry, and that there was no diffe-

rence of opinion on this head in the Committee, they being unanimous in the opinion as to the character of the charges presented ; and he dissents only from so much of the report as has reference to the expediency of the law referred to, and to any resolution asking for its repeal ; believing, as he does, that the great expense has been incurred more from the manner of the execution than from the law itself.

All which is respectfully submitted.

EGBERT BENSON.



SEMI-ANNUAL
REPORT
OF THE
WATER COMMISSIONERS,

From the 20th March, 1840,

TO THE 31ST DECEMBER, 1840, INCLUSIVE.

DOCUMENT NO. 39.

BRYANT AND BOGGS, PRINTERS, 27 FINE STREET.

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DOCUMENT No. 39.

BOARD OF ALDERMEN,

JANUARY 11, 1841.

The Water Commissioners presented their Semi-Annual Report, from the 20th of March to the 31st of December, 1840, inclusive; which was laid on the table and directed to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

New York, January 11th, 1841.

To the Honorable, the Common Council of the City of New York.

THE Water Commissioners of the City of New York,
respectfully

REPORT:

That in obedience to the State Laws and City Ordinances, the undersigned have, from time to time, deposited with the Comptroller of the City, their accounts, and have caused to

be made up and presented to him, a general account current from the twentieth day of March, 1840, the time the present Board of Water Commissioners came into office, until the thirty-first day of December following; which account we pray may be examined, and if found correct, so certified by the Comptroller, or some Committee of your Honorable Bodies.

The expenditures made under "the Act to supply the City of New York with pure and wholesome water" by this department, up to the nineteenth day of March, 1840, appear, by the reports of the late Water Commissioners, to be as follows, viz:—

From July, 1835, to January, 1836,.....	\$31,828 02
" January, 1836, to July, 1836,	12,070 84
" July, 1836, to January, 1837,.....	28,099 58
" January, 1837, to July, 1837,	62,602 85
" July, 1837, to January, 1838,.....	233,856 93
" January, 1838, to July, 1838,.....	605,766 76
" July, 1838, to January, 1839,	984,445 70
" January, 1839, to July, 1839,	715,362 01
" July, 1839, to January, 1840,.....	1,243,827 13
" January, 1840, to March 19, 1840,.....	446,955 15

\$4,364,814 97

Since the present Board have had charge of the work, they have paid over the monies and assets, received under trust, from Stephen Allen, late Chairman of the late Board, to the several parties entitled to the same,—amounting together to the sum of.....12,723 79

The receipt for the sum of three thousand dollars, given for monies lodged with P. S. Crooke, Esq., the solicitor of our predecessors, included in the above Trust Fund, is re-charged, the same being now, we presume, in suit by the Corporation Council.

Amount carried forward, \$4,377,538 76

Amount brought forward....	4,377,538	76
And they have expended, from the 20th day of March, to the first of July, 1840,.....	\$583,429	37
From 1st July, 1840, to 31st De- cember, 1840,.....	1,030,651	46
	<hr/>	1,614,080 83

Total expenditures,..... \$5,991,619 59

The amount appearing to the credit of the Mayor, Aldermen, and Commonalty, &c., on the books of the late Board, on the 19th March last, was\$4,380,318 47

From which, deduct a discrepancy between this credit and their reports, of..... 2 51

4,380,315 96

The amount received by the present Board, from 20th March to 31st December, 1840, is..... 1,610,923 16

Total amount of funds received..... 5,991,239 12

Leaving a balance of..... \$380 47
Due the Water Commissioners.

The subjects of expenditure made by the present Board, during the period from the twentieth day of March, and during the time they have been in office, are arranged under the following heads:

First—The Rights of Way, Earth for Embankments, Damages, Lease of Land, &c.,... \$1,430 00

Second—Extinguishment of Water Rights below Croton Reservoir,..... 5,374 00

Amount carried forward,..... 6,804 00

Amount brought forward.....	\$6,804 00
<i>Third</i> —Under the contracts for constructing the Aqueduct, Bridges, Dam at the Croton, &c.	\$1,385,610 10
Under the contract for Iron Pipes,.....	157,040 00
Under the contract for Stop- cocks,	8,060 00
	<hr/> \$1,550,710 10
<i>Fourth</i> —Salaries of Engineers, incidental expenses, laying of the large pipes between the Reservoirs,	50,832 45
<i>Fifth</i> —Advertising bills, stationery, &c...	124 81
<i>Sixth</i> —Salaries of the Water Commission- ers and their Clerk,	5,296 19
<i>Seventh</i> —Legal expenses,	313 28
	<hr/> \$1,614,080 83

PRESENT STATE OF THE WORK.

It will be recollected, that the whole work is divided into four great divisions, and which, collectively, are divided into one hundred and one sections, generally one-half of a mile in length.

The *First Division*, which embraces the Croton Dam, Croton River, and first $10\frac{1}{8}-\frac{7}{8}$ miles adjoining the same, may be said to be completed. The dam requires an expenditure of about one thousand dollars to complete the contract. The bridge across the Croton River, which was made in lieu of the one overflowed by the water of the river, and the portion of the turnpike also required to be made, are both done, as well as the private road adjacent to the river, and it is expected the Commissioners, appointed by the State to judge of this matter, will receive the bridge and roads, as a

full substitute for those which our works rendered useless. There is an iron railing and gatekeeper's house, with some other small contingencies, which are estimated at four thousand dollars, to complete all the work at and near the dam.

The dam across the Croton River was commenced in January, 1838, and is now, all but completed. It is believed to be durable in its character, and possessed of sufficient strength to resist the Croton, which is, however, a stream occasionally rendered by freshets, very powerful and turbulent.

The dam is formed of hydraulic stone masonry, connected with an earthen embankment. The embankment is about 250 feet long, 65 feet high at its extreme height, 250 feet wide at base, and 55 wide at top. This embankment is supported and protected on its lower side by a heavy protection wall 20 feet wide at base.

The portion of the dam over which the water flows, together with the abutment and bulkhead adjacent, is of hydraulic stone masonry; their united length is 105 feet. The width of the sheet of water flowing over the dam is 90 feet, and it is supposed in times of a freshet, will be from four to six feet deep—it has already in the last autumn been equal to three feet. The area of the Croton Lake is about 400 acres, the available capacity of the lake taken at seven feet deep, (the depth to which the water can be drawn down,) and of an average area of more than 300 acres, may be stated at 600 millions of gallons.

The total capacity of delivery of the aqueduct is about 50 millions of gallons for 24 hours, but in case the lake is being reduced seven feet, by a discharge through the aqueduct, not more than 35 millions can be calculated on as the average delivery during *that* time.

The flow of the Croton in ordinary low water exceeds 50 millions for 24 hours, and the minimum flow after long continued draught has been ascertained to exceed 25 millions, consequently, assuming the Croton at its *lowest rate* of flow, there would elapse 60 days before the lake would be reduced

seven feet, and 60 days before the delivery of the aqueduct would fall below 35 millions of gallons in 24 hours.

In addition to this abundant supply, the water of the river at various parts for the distance of 15 or 20 miles could be dammed up at a small expense, and large ponds made to discharge into the Croton, which would always furnish a supply far beyond the capacity of the aqueduct to discharge; and the singular fact also exists, that a stream called the Ten Mile River, of very considerable supply of water, which now discharges into Long Island Sound, might be diverted or made to pass into the Croton. This fact is mentioned for its singularity, rather than from its being of any importance to the work. The lake, formed by the dam, flows already over some lands not embraced by the deeds or rights obtained by our predecessors; and when it is considered that it is liable to rise three feet higher than it has yet been, it will be perceived that the extent of our water line must be considerably increased; but as the surface of the lands subject to be overflowed beyond the Corporation title, is mainly of inconsiderable value, the damages will be small.

The beautiful sheet of water now formed by the dam the Board have called the Croton River Lake, as readily distinguishing it from the entirely artificial reservoirs. The highest point of land on the eastern side of it, in a late visit with the Corporation to the Croton River Lake, was named "Mount Varian," in honor of our worthy Chief Magistrate, during whose mayoralty the works at the Croton River have been commenced and completed.

Second Division, commencing at the southern termination of the first division (about three miles south of Sing Sing) and running $10\frac{732}{1000}$ miles to the village of Hastings, is also entirely completed, if we except about 140 yards in length at the Mill River Valley, which is a high stone wall and embankment designed to support the aqueduct, and to complete which requires about 20,000 dollars.

Third Division, which commences at the southern termi-

nation of the second division, near Hastings, and runs in a southerly direction $9\frac{5}{8}$ miles, to within about two miles of the Harlaem River. This division is all completed, and the final payments on the contracts are liquidated.

Fourth Division, commencing at section 80, terminating the third division, and running to the Battery in the First ward of the City of New York, distance in all fourteen miles. Of this division, sections 80, 81, 82, 83, 84 to 85, in length about two miles, are in Westchester County, and are entirely completed.

The whole distance in Westchester County, all of which is nearly completed, is 32 miles and two-thirds of aqueduct, the arch bridge of 88 feet span at Sing Sing; 12 tunnels (or under ground excavations for the aqueduct,) whose aggregate length amounts to 4,406 feet, 32 ventilators for the escape of the air from the tunnel, and four waste weirs, for the discharge of the surplus water from the aqueduct.

The following statement shows the amount of work executed in Westchester County, between the Croton and Harlaem Rivers :

	Cubic Yards.
Concrete masonry.....	42,701
Rough hammcred stone masonry.....	167,214
Well hammered stone masonry.....	11,547
Cut stone masonry.....	3,562
Brick masonry.....	95,396
Earth excavation.....	1,377,745
Rock excavation.....	275,883
Embankment and backfilling.....	1,592,301
Foundation and protection walls.....	246,660
	<hr/>
	3,813,009

THE HARLAEM RIVER BRIDGE.

After leaving the sections of the fourth division in Westchester County, we arrive at section 86, which includes the

crossing of the Harlaem River, and here we have been engaged with the *high bridge*. We should be happy to be enabled to state that this structure, could proceed as rapidly as the remaining part of the work, and would be as soon completed.

This bridge, it will be recollected, is by the plan to be supported by seven *land arches*, each of 50 feet span, on the valley between the river and the adjacent hills, and over the river by eight arches of 80 feet span each, the crown of the *intrados* of the arches is 100 feet above the surface of the water, and the height of the superstructure near 120 feet. We have sunk four coffer dams in the river for the river piers, and built the foundations of two piers to above high water mark, and another is about four feet above the foundation. The amount of money spent on the Harlaem Bridge, for the work and materials not yet used, amounts to 91,100 dollars.

Leaving the Harlaem River as you approach the city, we have section 87 of the aqueduct, which includes a small tunnel through rock, completed or nearly so: 88, 89 and 90 are in a great state of forwardness, when you arrive at section 91, which includes the crossing of Manhattan Valley. This section is a mile in length, and one of the heaviest on the line; it consists of 800 feet of tunnel cut through rock, and about three-fourths of a mile of grading for two lines of iron pipes of 36 inches diameter. This last section is about one half completed, and will easily be completed the next fall. We then arrive at section 92, which is nearly completed, with the exception of the tunnel, which is 420 feet long, through rock, 120 feet of which is excavated. The next section, No. 93, is completed, and the account settled. Section No. 94 crosses the Clendining Valley, and embraces a very heavy stone foundation wall and three arches, or aqueduct bridges, for contemplated streets. This section is about three-eighths of a mile long, is about two-thirds finished, and the contract for completion expires next fall. Section 95 is, also, about

two-thirds completed. No. 96 embraces the Receiving Reservoir, which covers a surface of thirty-two acres, at Eighty-sixth street, and is about one-half completed: the contract expires next fall. Sections 97 and 98, together two miles in length, are to be constructed by laying down two lines of iron pipes of thirty-six inches, interior diameter, which are to form the connexion between the two reservoirs: about one-fourth of this work is done. We then come to section 99, which is composed of the Distributing Reservoir, which work is about one-half completed. In reference to this work it is greatly to be regretted that Forty-second street should have been reduced to so low a grade, which has increased very greatly the cost of the walls, without adding in any respect to the utility or beauty of the work. This location being higher than any of the adjoining lands, it is not obvious why your predecessors required it to be cut down at so great an expense to the city, and disadvantage to the reservoir, as it required the walls on Forty-second street to be sunk nearly twelve feet lower, and on the sides, fronting the Fifth avenue and Fortieth street, an average of eight feet lower, than would otherwise have been required.

The remaining work, south of the Distributing Reservoir, consists in laying down the large mains to supply the lower parts of the city with water, and the small pipes to distribute it through the streets, the progress of which is known to your Honorable Bodies.

During the last Fall, the water was introduced, several times, from the Croton Lake into the aqueduct. For greater security it is made to pass through two chambers, each having nine small gates, of 16 inches by 40 inches, by which any unusual velocity, growing out of the variations in the head of the water in the lake, may be controlled or equalized.

In the instances we have referred to, the water passed through the first eight miles of the aqueduct, to a waste weir at Sing Sing, where it was discharged, in six hours. This strengthens the opinion, that it will certainly pass

through the whole line, as fast as at the rate of one mile per hour, which is the rate calculated on,

The frequent use of the thermometer has shown that the temperature of the aqueduct was fifty degrees, in our coldest days previous to the 1st of January. This proves that neither the water nor the masonry of the arch, will be exposed to frost. The variation of temperature between summer and winter is found to be only five degrees.

We have only excavated the rock and earth between the two Reservoirs of a width sufficient for two, instead of three lines of large pipes, which will furnish a sufficient supply for at least half a century. The saving in this particular amounts to 10,000 dollars.

We were not able to make any arrangement with the contractors for the Receiving Reservoir at Yorkville, by which we could abandon, for the present, the construction of the northern division of this work, as proposed by us, with any advantage to the public; so much work having been already executed, and so much of the earth being required for the embankments of the streets surrounding the reservoir and the southern division, that we were obliged to let this reservoir proceed, as contemplated, by our predecessors; except, that we do not excavate the rock, as was previously intended, by which there is a saving, as estimated, of 75,000 dollars.

We have added to the expense of the Distributing Reservoir about \$9,000, in consequence of having adopted a different finish, from that contemplated by our predecessors. With the exceptions above stated, and the abandonment of the three arched bridges at Clendining Valley, hereinafter mentioned, the work has in all other respects been progressing agreeably to the plans of our predecessors in office.

CLENDINING VALLEY.

The plan heretofore adopted, of passing the Clendining Valley, (which, for a distance of 470 yards, lies 26 feet lower,

on an average, than the grade line of the aqueduct,) shut up, (as it is called,) three streets; or rather, we should say, our predecessors appeared to have been of the opinion, that the Corporation would not find it necessary ever to open these streets. They, however, determined to arch six other adjacent streets, so that these streets might be opened when required. The estimated expense of these arches is 154,543 dollars.

Of these six arches we found three so far progressed with, that no money could be saved, by dispensing with them. But little progress was made in the remaining three, particularly in that over Ninety-sixth street, which, by the Commissioners' plan of the island, was contemplated to be 100 feet wide. Before you come to this street, the valley is terminated by a precipitous hill, of solid rock; which, by the plan adopted by our predecessors, was to be blasted and excavated so as to receive, and virtually bury up, a beautiful and expensive cut stone bridge, of 100 feet in length.

Our Engineers reported to us that 52,820 dollars would be saved to the city by dispensing with the three arches, and a foundation of a better and more secure character would be obtained for the aqueduct.

We consulted with the Joint Committee on Croton Water, of your Honorable Bodies, on the ground, in the expectation of having our judgment confirmed, as it was, by that of the two Committees of the Common Council. Subsequently, our opinion was fortified by that of the two Boards. His Honor the Mayor, however, vetoed the "*opinion*" which the two Boards entertained. We gave his reasons against dispensing with these arches a deliberate consideration, with a view of seeing whether they ought to change *our opinion* or not.

His Honor the Mayor's first objection, in support of his *veto*, was that it is not prudent "to adopt any course which is not warranted by law." This, certainly, was salutary advice to the two Boards; yet his Honor the Mayor, as Alderman of the Twelfth ward, permitted, without opposi-

tion, as appears, the aqueduct to pass over three streets, so as to *shut up*, (in the language of his Honor's communication,) these streets. Now the law was the same when he was Alderman, as it is now that he is Mayor. We understand the law to be, that these strips of land, laid down on the city map, are not streets until taken and paid for, any more than any other land. No law is therefore violated.

Second—The Mayor, in the next place, says "the amount to be paid to the contractors for the alterations, must be very heavy." Now the Commissioners informed the Committee, that on the three arches we dispensed with, there had been little or no work done. Again, he says, "the alteration effectually closes the streets." We apprehend this is not the case, for if a temporary line of pipes *across the Harlaem River*, (while the bridge is in progress,) can be made to connect the aqueduct together, which is the plan contemplated, we must believe some temporary connexion with the aqueduct, or upholding of a line of iron pipes for 100 feet, would not be found difficult, while the arches were being made, that is, if the generation who may live a century or two hence, know as much as the generations which shall have preceded them.

But it is said, "the streets may be closed by the Legislature, but that is too uncertain a measure." The abandoning three arches does not require any street to be closed, and does not shut up any street, properly so called, *no street or road ever having been required, opened or made* on any of these lands, where the arches were contemplated; straight lines are drawn on paper for the streets, if the public interest require them—yet *no tribunal but the Corporation, is authorized to decide, whether these streets shall be ever opened or not*. If not opened, as they probably will not be, for a century or two to come, they will, of course, remain fee-simple property, as they now are.

But, to prevent all inconvenience to the neighborhood, we have contemplated a street alongside of, and parallel with the

aqueduct, so that within a short distance, an arched street can always be arrived at, and the streets not arched can be opened, when required, down to the aqueduct.

Damages have in no case, ever, that we can learn, been allowed for not opening a street. We have gone into the examination of this subject, fearing the paper referred to, was calculated to lead individuals to think, they could claim damage, when we are of opinion that they can not.

The corps of Engineers and Assistants has been retained, during the past season, the same in all respects, which the present Board found organized by their predecessors, in March last, with the exception of one—Second Assistant Engineer, who left the work of his own accord, for other service, and one Second Assistant Engineer appointed.

And although the corps may appear to have been a large and expensive one from the beginning, it must be remembered the work is novel in its character, and required and has received the talents and energies of able engineers, both on its original designs and subsequent plans, and in the execution of the work.

Our duty required that the corps of Engineers should be reduced. It will be recollected, however, that our predecessors, in their report of January, 1840, remarked, "that it must not be inferred, that because more than half the sections are completed, and an additional number nearly so, that the work still to be done is of small amount: on the contrary, we consider what is yet to be done, as some of the most difficult and expensive operations still to be performed. The very important and stupendous works at the Harlaem Bridge are scarcely commenced." Our predecessors continue to remark, "that the operations on the island of New York, including the crossing of Harlaem River, which embraces a distance of only seven miles in length, will cost upwards of three millions of dollars."

Now it must be admitted, that our whole summer's work on the "stupendous bridge over the Harlaem River," is but

a small proportion of the work necessary for its completion. It is a fact not to be disguised, that the erection of this bridge, is not only a "stupendous," but is an *Herculean* task for our city to execute, and requires more engineering talent, inspection and watchfulness, than any other part, or we might almost say, all the other parts of the aqueduct work put together.

In carrying out the plan of reducing the corps of Engineers, we directed that the first and second divisions of the aqueduct, for the remaining part yet to be done on the dam, in the first division, and the work at Mill River, in the second, to be all put (after the books and accounts are completed,) into one division, under the superintendence of Mr. French, the Resident Engineer of the first division. And that the third division be amalgamated with the fourth division (which is the one mainly on this island,) for any remaining work or attention necessary to be done, on the third division, in the spring.

The winter arrangement of the Engineer Department is, at present, as follows :

On the first division, the Resident Engineer and one Inspector, who is stationed at the dam during the winter, in order to see that every thing about this important structure is kept in proper condition.

On the second division the Resident Engineer, who is engaged in writing up the books and accounts, and an Inspector at half compensation, who is employed in superintending the work at Mill River.

On the third division, the Resident Engineer and one Second Assistant, who are also engaged in writing up the accounts.

On the fourth division the Resident Engineer, three First Assistant Engineers, three Second Assistant Engineers, four Inspectors, and one Draftsman.

In addition to the above, there will be occasional services required from axemen, but it will not be necessary to keep them in regular employment.

It appears from the statements of the Chief Engineer, that the whole expense of the department under his charge bears a ratio of only two and six-tenths per cent. on the whole amount of moneys expended on the construction of the work ; and if we add to this, the salaries of the Commissioners and their Clerk, amounting to but 6,700 dollars per annum, these united sums bear but a very small proportion, less than three per cent., to the whole amount of expenditures ; and it is believed that few works, requiring as much skill and attention, as the one we are engaged on, so far as relates to the engineering and supervision of the Commissioners, have ever been constructed at less expense.

The detailed estimate of our Chief Engineer shows, that there still remains to be expended on the Harlawn River bridge and other unfinished portions of the work the very large sum of.....	\$2,670,000 00
Also, for the large mains, and laying them down, between the Distributing Reservoir, at Murray's Hill and the Battery	300,000 00
We also estimate that there will be required, for the distributing pipes now needed...	500,000 00
Making the amount of money to be yet expended	<u>\$3,470,000 00</u>

From this amount must be deducted the sum yet unexpended by us, in the hands of the Comptroller, from the three millions of dollars authorized to be raised the last winter. Of this we have only drawn for \$1,614,080 83, and authorized the payment of \$69,650.

The amount paid by the undersigned, since they have been in office, has been increased by the final payments of the ten per cent. which is kept back on sections until their completion. These sections, 27 in number, were, to a considerable extent, done during the time of our predecessors.

From what we have already stated, it will be seen, that the

works, on this island, are of a most expensive character, and this, is especially true, of the Harlaem bridge, consisting of seven arches, over land, of 50 feet span, and eight arches, over water, of 80 feet span. This bridge is nearly equal, in its dimensions and extent, to any in the world, while the only duty, it is calculated to perform, is the support of two, or at most, three lines of iron pipes of 36 inches diameter, while the cost of the bridge is estimated at one million of dollars. We examined this subject, in several different aspects, by which we were in hopes that money might be saved. But the views of our predecessors had been thwarted, by the action of one branch of the Common Council and the Legislature; and, as one contract had been already broken, we found the contractors not disposed, amicably, to consent to any modification of their contract; under such circumstances, it appeared inexpedient, for us, to attempt to vary the plan, though there is still one suggestion, which we shall present to your Honorable Bodies.

The plan agreed upon by our predecessors, and now being executed, does not carry the water over the Harlaem River, at the same elevation, with the grade line of the aqueduct, but after entering the pipes, descends with a steep declivity, on the Westchester side, and then passes over, on a horizontal line, to the Manhattan side, where it again ascends, to within two feet four inches, of the level at which it enters the pipes on the Westchester side. If this principle of using the property of water, to find its level, is a good one for a depression of 14 feet, it would be equally good for a depression of 50 feet. But in the pipe line of aqueduct, which crosses the Manhattan Valley, the same principle is applied, to much greater extent. The water, after descending 100 feet below the grade line, is made to find its level, after a passage of upwards of 4,000 feet; this is done *on land* to save the expense of an aqueduct bridge or wall.

There is no other objection therefore, to apply this principle, to lowering the arches to within fifty feet of the water

line of the river, than what was previously alleged, *the navigation of the Harlaem River*. Now it should be remarked, that nearly all the produce from the North River, comes down in barges, towed by steamboats whose smoke pipes do not exceed 40 feet, and when the canal enlargement is completed, the produce will be, to a great extent, carried in barges or in the canal boats, neither of which have masts, and also that the masts of the sloops of the sound, which ply in creeks and small rivers, seldom exceed 50 feet.

It is submitted, whether the public and Legislature would not deem it advisable, to save for the city, an expense of nearly 200,000 dollars, which is the saving estimated by the Chief Engineer.

The bridge might be completed in a much shorter period, probably, with a saving in time, of a year or two; and there would be also another great advantage: the piers, if carried up, as contemplated, will not be piers of equilibrium, that is, if any of the piers should settle, the whole of the arches over the river would come down, whereas if the piers were only carried up, to the height necessary to support the bridge of medium height, each arch would be supported by its own piers, and an accident to one, would produce no injury to the others.

The height of the bridge, as at present contemplated, has certainly, gone on the principle of taking care of posterity and the public wants of a city or cities to be hereafter located, on the banks of the Harlaem River. It may be said, that if posterity do not like the suggested height of the bridge, they will always be at liberty to raise it to a level with the line of aqueduct, and if the public documents of the days in which the bridge was built, should be preserved until those days, they will show that the *ancients* passed the water across the river for years, while they were building the bridge of medium height.

The high bridge has been deemed necessary, in as much as the Spuyten Duyvil Creek was to be deepened and widen-

ed so as to admit vessels of the largest class. When this is done, the entrance will also afford a good outlet, for all the Harlaem River ships which entered by the way of the North River, and they might return that way to the ocean, and the like remark would apply to the East River and Sonnd navigation.

But there is another feature, worthy of being considered. This bridge, of fifteen stone arches, will stand, in most stupendous grandeur and exaltation, performing the solitary duty referred to, of supporting two lines of iron pipes; and if the bridge of medium height, was deemed high enough, and expensive enough, to satisfy the public, the width of the bridge, at the top, would be increased to twenty feet; and it might be used as a road bridge, to accommodate the public travel, and the transportation of marketing for the present generation, and also those which will exist between the present time and that in which large vessels (with all the facilities of the present navigation) will be discharging cargoes, at the Tenth avenue, on the banks of the Harlaem River.

We doubt not, that our neighbors of Westchester, and our citizens of the Twelfth ward, would deem a good road bridge of much more value and utility, than the preservation of the navigation, by the high arches as contemplated. We have deemed it our duty to make this suggestion to the Common Council, and if carried out, would make the saving, and furnish the accommodation referred to.

There is another subject, we should have been glad to have been excused from dwelling on. It relates to our having put a different construction on the State Laws, from that which was put upon them, by your Counsel and your Honorable Bodies.

We claim, for ourselves, to have had, and to have shown a disposition, to have complied with the wishes of the Common Council, in relation to their laying the distributing pipes; and we endeavoured to give that attention to this work, while carried on by your officers, and to the apparatus

which they were introducing into the work, which duty, in our judgment, as well as in that of your officers, the laws of the State, required at our hands; and we examined and approved of bills, to the amount of \$69,650 01, which the Comptroller presented for our approval, between the 13th of May and the 25th of September.

On the organization of the Corporation Croton Aqueduct Department, we considered it our duty to look into the price paid for labor and materials, and particularly, into the fitness of the stopcocks your officers were using. Our letter to your Aqueduct Commissioner sought on this subject but for *information*. This was, substantially, refused by your officers, and subsequently, by yourselves, in directing your Comptroller to pay the bills, on the approval of your own Committee, without waiting for our examination and approval. The simple question is, did we ask for explanation without cause? The paving bill appeared to us, too high at 25 cents per yard. The Street Commissioner informed us, according to the recollection of us all, not "that he valued the paving at from $12\frac{1}{2}$ to 18 cents per yard," but that he estimated it at $12\frac{1}{2}$ cents only.

The Street Commissioner's opinion we concluded better than that of any other person. He could tell, certainly, how much sand, if any, would be required to fill up a trench (into which a 12-inch pipe had been inserted) in addition to that taken out.

Our opinion was adverse to the stopcocks your Committee have been introducing, and has been fully confirmed by the long experience of Mr. Graff, of Philadelphia, who is decidedly in favor of the plan we are using, in the residue of the work.

We objected also to the *price* of the stopcocks. You were paying at the rate of 97 dollars apiece for them. The propriety of our objection became obvious, when the Chairman of your Aqueduct Committee informed the Special Joint Committee of your Boards, subsequently, that they then

were procuring them, at 70 dollars. Our objection appears, at least, to have occasioned a saving of 27 dollars apiece on articles, some thousands of which will be required. A reason for the overcharge is given, in the majority report of one of your Boards, which states that the Board of Water Commissioners advised them to procure the castings (comprising part of the stopcocks) of Mr. Ward, of the Board of Water Commissioners. Such advise hardly appears a reason for the overcharge, if it was the case; but we must deny the fact.

Much has been said, too, of pipes made of remelted iron, and that cast from the ore. We can only say that our predecessors, and our Engineers, have given the former description of castings the preference, and as absolutely necessary for the large pipes. And when it is considered, that the remelted iron is made thinner, and of uniform thickness, there is but a shade of difference, if any, in the cost of any given length of pipe.

We could not approve of the large bills for lead, at five cents per pound, that being above the market price; and we were unable to find out, by careful inquiry, the firm by which this article was furnished. It has been said that the undersigned have entered into contracts with one of their number. We beg leave to say, that although *this* would not be against any *statute*, and though one of the undersigned, belongs to a firm, whose business it is to cast pipes, yet his house has not only never furnished any pipes, to this Board, nor has it even proposed for any contract whatever!

In carrying out these views of our duty, we, of course, have had no bed of down, in this office, to repose on. The Comptroller soon discovered he had made a mistake, in subjecting, at all, these bills to our supervision; and your Honorable Bodies virtually directed him to pay them, in the same manner as if there was no such body as the undersigned, constituted by the State, Trustees over this Water Fund; and apparently with the view that the ordinances of your Honorable Bodies,

and the letters of the Comptroller, might be rendered still more *unpalatable*, our funds were kept back, and we made to perform the unpleasant duty of carrying on the work entrusted to our charge, without the means of paying the public creditors. And when we advertised for contracts, to continue the work this side of Murray's Hill, and were about entering into the same, the Comptroller notified, by letter, the persons who were about making the contracts, that they would not be paid by the Corporation. Fortunately for the interests of the city, this attempt to impair our credit, did not prevent our making such contracts, on the most favorable terms. In this state of things the interest of the public required, that some one of our Courts should examine the statutes under which this Board was created, and define its powers. With this view, we filed a bill before the Assistant Vice Chancellor. It is only necessary to say, that after a patient hearing of the arguments on both sides, and a laborious investigation by the Assistant Vice Chancellor, he confirmed all the opinions entertained by this Commission.

The undersigned hoped, that after this decision, the public creditors for work on the Fifth avenue, out of town, which is intended to convey the water to the distributing pipes (which is the only work we have as yet been doing under disputed authority,) would be paid and settled. We consider it wrong to keep mechanics and others out of their money, for work done under contracts, (copies of which are filed with the Comptroller,) because your Committee do not agree with either the Water Commissioners, or the Assistant Vice Chancellor, as to which party is directed by the Statute, to execute this work.

We entered into these contracts believing it was our duty under the law to do so, which opinion is confirmed by the decision referred to.

The contractors received opinions from their individual legal advisers, that we could bind the Corporation, and that the right of contracting for the work belonged to this Com-

mission. Under such circumstances, we respectfully submit, if justice, as well as expediency, do not require, that you direct the Comptroller to pay the bills for work done on the Fifth avenue, and thus save your creditors the injury arising from being kept out of the money due them, and the tax paying inhabitants of the city, the cost of litigation, which probably under any circumstances they must pay.

In the spirit of accommodation, and to avoid unnecessary expense, we proposed to the Chairman of your Committee, that your Honorable Bodies, should pay for the work contracted for by us, and that we, respectively, should desist from new work, until some other tribunal, either Judicial or Legislative, (if your Honorable Bodies see fit to carry it up,) should finally settle to whom this work belongs. We regret to say, that this friendly suggestion, appeared to meet no corresponding views, by which the creditors of the city might, without resorting to legal redress, be paid.

We have explained our difficulties, in the hope, that the Common Council would examine into the subject for themselves, feeling that they could not do so, without justifying and approving the acts of this Board, and we hope your Honors will not, from these proceedings, consider us litigious, for we assure you, it is the only legal proceeding, we have found it necessary to commence, since we came into office, having had the good fortune, to settle, in an amicable manner, all other subjects thus far arising in this department.

It will be perceived by this semi-annual report, that the city will have incurred a very heavy debt growing out of the Croton Aqueduct, and the distribution of the water. We shall not disagree in the opinion, that in the time of peace and prosperity, the great debt of this work ought not to accumulate, but on the contrary, that it ought to be gradually reduced.

Now, the undersigned expect to carry into execution, the temporary plan of conveying the water into the city, in the summer of 1842, the time contemplated by our predecessors.

The ensuing season must therefore, be a busy one, not only in laying the distributing pipes, but to our citizens, in the drilling the distributing pipes, and in making, under the supervision of some Board or Department, the service pipes which are to lead the water into the different apartments of their dwelling houses, stores, manufactories of every kind, hotels, stables, distilleries, for the supply of steam boilers, and shipping, and as a substitute, in many instances, for what is now horse and hand power in artisans' shops, and manufactories.

It will be obvious to the Common Council, that much attention and business talent are required, to put on the best possible footing, the above subject, in which our city is so deeply interested ; and that they consider whether landlord or tenant should pay, whether the rates are to be regulated by the number of the family, the business which is carried on, or by the quantity of water used, and if so, in what manner ascertained ; and various other subjects, on which information should be collected from London, Edinburgh, and Paris, as well as from our own cities having water establishments.

But in addition to the above, there is another equally vital subject for the credit of our city, it is a well digested law, embracing the tariff at which this water is to be charged, and the principle which is to regulate the rates, so as to immediately provide, as far as practicable, for the interest on the Water Stock. The rates must neither be so high as to be onerous to our citizens, and yet not so small as to long subject the *city* to have to provide for any part of the interest.

We advise the passage of a *State* law, to be prepared and recommended by yourselves, to render more fixed and intangible, the rates at which the water shall be supplied, and after this, we feel obliged to recommend, (while on this subject) that the carrying out of the proposed law, be left exclusively and entirely to an independent department : one smaller than this department may be organized, calculated for that par-

ticular duty. The incumbents should, if possible, be appointed for three or five years, and *not subject* to removal, except for cause: they should be as free to exercise their own judgment as your Commissioners of the Public Schools, and *if possible*, as free from party politics.

If you, or rather your successors in office, to whatever party they may belong, will frame such law, and organize such Board, and give the whole executive arrangement and power into their hands; then, in the opinion of this commission, within five years after the first water is introduced, such department may actually collect such an amount of water rents, as will wholly provide for the annual interest of this great and expensive work, and that the day will not be long subsequent, when such commission will be enabled to commence reducing the principal. That the receipts from this water will exceed the most sanguine expectations of our citizens, is most confidently believed, and that it will be seen hereafter, if properly managed, that the Croton Aqueduct will be placed by the side of the Erie Canal, both in usefulness to our city, and in its ability to liquidate its own cost.

If this could be made to be the case, our community would enjoy, without any permanent debt, the greatest *materiel* for its growth, health and prosperity, which is possessed by any city in the world; embracing in its advantages, protection from fire, that most destructive element, and our city's worst foe—a *materiel* calculated not only to add riches and prosperity and health to our increasing population, but also to improve the morals, moderate the passions, introduce temperance and sobriety in place of indulgence and excess. If this brief statement of benefits be true, who can say that New York, when she spends millions for wines, spirits and luxuries of the most costly description, cannot afford her population pure and wholesome water.

After preparing the above report we received on the evening of Friday last the unpleasant communication, that the

Croton Dam had been carried away, by a freshet. On Saturday morning the President of the Board, and the Chief Engineer repaired to the dam, who communicate, that nearly all that part of the dam extending from the gate house, at the extremity of the hydraulic mason work, to near the northern shore of the river has been washed away, being a distance of near 200 feet. It was the part of the dam described, as an earthen embankment, with a base of 250 feet, and protected on the lower side by a dry stone protection wall of 20 feet in thickness at the base. The mason work is very slightly injured. This dam was commenced in 1838, but was mainly built in 1839 and 1840.

In addition to the loss of the part of the dam referred to, the new bridge above the dam, built for the Turnpike Company, called Pine's Bridge, was also carried away. Cost five or six thousand dollars. The part of the dam carried away may be estimated at about 30,000 dollars, although it will be perceived by a communication from Mr. Jervis, the Chief Engineer, to the Board (accompanying this report) that he is of opinion, that the part of the dam, carried away, should be reconstructed, in a different manner, at a probable cost of 75,000 dollars.

This unprecedented rain storm commenced, on Tuesday evening the 5th instant, and continued without cessation until Thursday night the 7th instant, at twelve o'clock. The commencement of the rain storm found the ground covered with snow eighteen inches deep. The rain was heavy and the temperature of the weather very warm. On the evening previous to the disaster, it was perceived that the water was rising on the bank above the overfall of the dam very fast. The rise continued through the night to be equal to about 14 inches per hour. At half past 4 o'clock, the water having risen 15 feet above the overfall or apron of the dam, and two or three above the earthen embankment, (which was 12 feet above the overfall,) the embankment part of the dam gave way. It was obvious from the beginning, that if the water passed over

the earthen embankment, it would carry away this part of the dam ; and the result to be expected immediately followed. The earth being washed away, the protection wall gave no resistance, and the earth and the heavy protection wall were all swept down the river, so as not to have left a single stone, now remaining, on the section of the dam referred to.

We have stated above, that the calculation was, that the water might rise, from four to six feet, above the overfall dam, but instead of this, it rose to about 15, and for this rise the dam was not calculated : the earthen embankment gave no protection against such a height of water ; and the overfall was not of a capacity, although 90 feet in length, to discharge the water which the flood brought down. There is a small waste gate in the dam of five by six feet, but hardly intended to relieve the river when in flood. The water in part escaped through the aqueduct passing over the gates, and discharged itself, at a waste weir, near Mill River, a distance of nearly 15 miles, without any injury to the aqueduct. It is obvious, that greater provision must be made to allow this stream to pass, in its natural channel, in time of freshets.

In addition to the above injury to our works, the freshet has left remaining no bridge, over the Croton River on its whole length, either above or below the dam.

There were three bridges below, one called Tompkins Bridge, valued at 1400 dollars, the bridge at the wire mill cost 1200 dollars, and the Quaker Bridge over which the New York and Albany stages pass, valued at 1500 dollars. Tompkins' Bridge was carried away before the dam went, as were also, it is believed, the other two bridges.

Mr. Albert Brayton, the son of one of the dam contractors, perceiving about 1 o'clock, the danger to the people below the dam, on the opposite side, by the continued rise of the water at the dam, and believing that it must give way, with praiseworthy attention and foresight, hurried down to give the alarm, and when he arrived at Tompkins' Bridge, a distance of a mile, he found the bridge gone, and was not able to get across.

He then went to a house for a horn, which he blew, and which was heard by the persons intended to be alarmed and who lived on the opposite side; but not understanding it, they took no measures for their safety, until still later, when the water began to come down in torrents. Two people at Baileys' mills occupied themselves, so long, in removing their property, that they could not get, with safety, to the main land, and repaired to a small clump of trees, in the channel; which, lamentable to say, were afterwards swept away, and no doubt these two persons were drowned. One of the laborers, lately on the work, was also drowned. No dwelling-house above the dam was carried away. John Tompkins, below the dam, lost his dwelling-house, which was of small value, say five or six hundred dollars, and his son John Tompkins lost a grist mill and dam, value \$1500 or \$2000. Two small dwelling-houses at Baileys' Factory were also lost. The wire mill of the Messrs. Baileys, supposed to be worth, with the two small houses above, from 15 to 20,000 dollars were also swept away; an old grist mill, called Hallman's Mill, which has been abandoned and not worked for many years, of little value, was also swept away. These are all the losses which have come to our knowledge on the Croton River; and all the losses to every body above and below the dam, including the dam, are considerably inside of 75,000 dollars. It has thrown several families at Baileys' mill out of employment who are poor; and also some few families of our laborers, who remained in shantees about the dam, have lost what is to them very valuable. We directed Mr. French, the Resident Engineer, to relieve any cases of suffering among the poor, and also as far as practicable to employ them on the work.

This disaster, though calamitous and unexpected, comes at a period which will bring much less loss and inconvenience, than if it had happened after our works were in operation. It will enable us to guard against a recurrence of such an accident, for we have seen the Croton in its most danger-

ous and unprecedented condition ; and we hope in the future plans to be better prepared to meet it.

We are happy to be able to say, that all the aqueduct work, on the line, has stood remarkably well, and the culverts have been found ample to discharge the water from the valleys and streams, and the embankments have been but little washed or damaged by this unprecedented storm.

All of which is respectfully submitted.

SAMUEL STEVENS,
JOHN D. WARD,
Z. RING,
B. BIRDSALL,
SAMUEL R. CHILDS.

REPORT

OF

J. B. Jervis, Chief Engineer,

WITH A LETTER FROM SING SING, CONTAINING AN
ACCOUNT OF THE LATE FLOOD.

*Report on the general state of the work on the
Croton Aqueduct.*

New York, 24th Dec. 1840.

TO THE HON. THE BOARD OF WATER COMMISSIONERS
Of the City of New York.

Gentlemen—The work on that part of the aqueduct, which is included in the County of Westchester, embracing the 1st, 2d and 3d divisions, with six sections of the 4th Division, being nearly completed, it has appeared proper to present a statement in relation to it, in a different form from that of the remaining work.

The contracts for the Croton Reservoir and for section No. 1, the latter including the Croton Dam, are nearly completed. On the reservoir there is a small portion of the grubbing of stumps, and about 5000 cubic yards of excavation in the

shoal parts of the reservoir that has not been done. This work is at present covered by the water. It should have been done before the water rose to cover it, but the contractors were not sufficiently expeditious to have it ready before the work at the dam rose so as to put a stop to their operations. It cannot now be done until low water next season. It is estimated to require \$1000 to complete it.

The Commissioners appointed by law to inspect the roads that have been made in lieu of the old roads covered by the flow of the reservoir, have given certificates for all the common roads; but in relation to the turnpike, they decline giving a certificate until after the next spring floods shall determine the proper height of those parts that are exposed to the stream. The Commissioners have been over the turnpike road, and express themselves satisfied with the work, and say they consider the Turnpike Company responsible for any ordinary repairs that may be required, in consequence of the use of the road, and if it shall prove sufficiently protected from the action of the flood, they will give a certificate next spring.

At the dam there is about one thousand dollars worth of work that properly belongs to the contractors yet remaining to be done. This is mainly the unfinished part of their protection wall, which, on account of the new state of the embankment, cannot be properly put on until next season. In addition to this, there are several items of work that will be required to be done next season, to wit, a piece of masonry at the head of the tunnel—bridge across the dam—house for keeper—iron railing on the passage of the gate-house—some extension of walls at the foot of the dam, and some minor items which have been estimated together at \$4001.

The following statements show the aggregate amounts of different kinds of work, and the average prices at which it has been executed.

On the first division the work has been completed with the exception above mentioned. On the second division it

has all been completed, except section 33, (Mill River Valley,) on which the contractor has about twenty thousand dollars worth of work yet to do. On the third division the contracts are all completed, and also that part of the fourth division, (sections 80 to 85 inclusive,) which is in Westchester County.

Statement of Work

ON THE

First Division of the Croton Aqueduct,

Showing the quantities of different kinds of Work, with average prices of the same, and total cost of division.

<i>Total length of Division—53,737.86 feet, or 10.177 miles.</i>				
	Quantities,	Amount.	Total Amount.	Average Prices.
Hydraulic Masonry in conduit.				
Concrete masonry	12,207.590	79,349.606		\$6.500
Stone do.	56,275.349	363,209.466		6.454
Brick do.	34,952.314	394,575.010	\$937,134.082	11.289
Hydraulic Masonry, exclusive of Conduit.				
Concrete masonry	513.270	3,655.408		7.122
Rough hammered do. ...	3,465.294	22,069.210		6.369
Well hammered do. ...	2,886.283	34,969.481		12.116
Cut stone.....	1,336.773	30,928.531	91,622.630	23.137
Excavation, earth.....	524,941.810	128,805.237		0.245
“ rock	95,297.326	200,107.236	328,912.473	2.100
Embankment	86,007.980	18,380.359		0.214
Back filling	447,071.510	79,657.567	98,037.926	0.178
Foundation wall.....	35,274.039	71,180.847		2.015
Protection wall.....	31,239.250	56,206.330	127,387.177	1.799
Miscellaneous items, under contract.....			19,855.132	
Do. do. not embraced in contract ...			24,305.497	
Total cost exclusive of Dam and Reservoir...			\$1,527,254.917	
Estimated cost of Dam			162,044.778	
Estimated cost of Reservoir.....			41,949.630	
Sundry items of work to be done at the Croton Dam and Reservoir, as before mentioned... }			5,001.000	
Total cost of Division.....			\$1,736,250.325	

STATEMENT

OF

TOTAL QUANTITIES AND COST OF WORK

ON THE

*Second Division of the Croton Aqueduct.**Total length of Division—56,666.259 feet, or 10.732 miles.*

Hydraulic Masonry in Conduit.	Quantities.	Amount.	Total Amount.	Average Prices.
Concrete masonry	12,947.060	85,600.81		\$6.61
Stone do.	50,927.598	326,842.59		6.42
Brick do.	28,819.468	312,303.51	\$724,747.31	10.84
Hydraulic Masonry exclusive of Conduit.				
Concrete masonry	751.298	5,084.09		6.77
Well hammered do.	4,884.174	63,033.25		12.90
Cut stone and arches...	1,457.684	33,626.25	101,743.59	23.07
Excavation earth	493,378.880	93,741.04		0.194
“ rock	61,102.220	86,897.16	180,633.20	1.420
Embankment	136,794.050	28,480.96		0.208
Back filling	463,472.160	85,554.60	114,035.56	0.185
Foundation wall.....	54,476.590	96,740.79		1.708
Protection wall.....	44,427.290	79,103.63	175,844.42	1.780
Miscellaneous items under contract			7,730.38	
Do, do. of extra work not embraced } in contract			9,032.52	
Total cost of Division.....			\$1,313,766.98	

STATEMENT

OF

TOTAL QUANTITIES AND COST OF WORK

ON THE

Third Division of the Croton Aqueduct.

Total length of Division—51,050.01 feet, or 9.669 miles.

Hydraulic Masonry in Conduit.	Quantity.	Amount.	Total Amount	Average Prices.
Concrete masonry	12,213.09	72 935.06		\$5.971
Stone do.	46,709.21	283,298.01		6.065
Brick do.	25,807.59	279,402.57	\$635,635.64	10.826
Hydraulic Masonry, exclusive of Conduit.				
Concrete masonry	562.03	3,222.99		5.734
Well hammered do.	3,624.46	43,242.21		11.931
Cut stone and arches...	758.54	16,803.49	63,268.69	22.152
Excavation, earth.....	326,957.12	61,228.08		0.187
“ rock	102,677.70	190,124.09	251,352.17	1.851
Embankment	35,386.24		6,733.59	0.190
Back filling	347,681.59		60,937.68	0.175
Foundation wall	18,663.97		32,888.32	1.762
Protection wall	37,974.32		60,323.52	1.589
Miscellaneous items under contract			16,694.00	
Do. do. not embraced in contract....			4,348.01	
Total cost of Division			\$1,132,181.54	

STATEMENT

OF

FINISHED WORK

On that part of the Fourth Division of the Croton Aqueduct, situated in Westchester County.

Total length of Aqueduct completed, Sections 80 to 85 inclusive, 11,424.19 feet=2.1636 miles.

Hydraulic Masonry in Conduit.	Quantity.	Amount.	Total Amount.	Average Prices.
Concrete masonry	3,460.202	20,930.79		\$6.049
Stone do.....	9,836.551	62,707.91		6.375
Brick do.....	5,816.546	66,641.88	\$150,280.56	11,457
Hydraulic Masonry, exclusive of Conduit.				
Concrete masonry	47.011	280.21		5.960
Well hammered stone do.	153.018	2,728.99		17.834
Cut stone	8.347	272.79		32.681
Excavation, earth.....	42,468.17		3,281.99	
“ rock.....	16,806.57		6,522.93	0.154
Embankment	7,091.76		26,160.73	1.557
Back filling	68,726.56		1,480.78	0.209
Foundation wall.....	8,409.77		14,662.83	0.213
Protection wall.....	16,195.46		17,753.42	2.111
Miscellaneous items, under contract.....			37,608.31	2.322
Do. do. not embraced in contract...			682.19	
			215.71	

Total cost of sections, 80 to 85 inclusive, being } \$258,649.45
finished work on 4th Division in Westchester Co. }

The items of extra work on the three unsettled accounts, to wit: Croton Reservoir, Croton Dam, and Section 33, cannot be determined exactly: the two former are estimated at \$6,000, but are not separated in the Statement. Including this with the sums in the statements, the aggregate is \$43,901 74.

RECAPITULATION OF WORK IN WESTCHESTER COUNTY.

1st Division.....	\$1,736,250 32
2d " 	1,313,766 98
3d " 	1,132,181 54
4th " 6 Sections,	258,649 45
	<hr/> \$4,440,848 29

The aggregate of extra work not provided for by specific contract prices, as before stated, is \$43,901 74, or a small fraction less than one per cent. of the aggregate amount of the accounts settled under the contracts. This is certainly a flattering evidence of the care and fullness in which the stipulated prices in the contracts embraced the requirements of the work.

The preceding statements include the following structures :

107 culverts from $1\frac{1}{2}$ to 25 feet span, aggregate length 7261 ft.

6 road do. from 14 to 20 " " " 334 "

Sing Sing Bridge ; Arch, 88 feet span.

Croton Dam.

Croton Reservoir.

12 tunnels, aggregate length4406 ft.

32 ventilators.

4 waste weirs.

Length of Aqueduct.

1st Division,.....10.177 miles.

2d " 10.732 "

3d " 9.669 "

4th " 6 Sections,.....2.163 "

Total length.....32.741 miles.

Statement of work on that part of the 4th division, included in sections 86 to 101 inclusive.

	Feet.	Length in Miles.
One section completed,.....	1900	0.3598
Aggregate of fractional parts of aque- duct masonry completed,.....	8457	1.6017
	<hr/>	<hr/>
Total,.....	10,357	1.9615
	<hr/>	<hr/>
Length of aqueduct of stone masonry to be completed,.....	12,478	2.3633
	<hr/>	<hr/>
12 culverts completed, from $1\frac{1}{2}$ to 4 feet span. Aggregate length.....	845 feet.	
1 culvert in progress 6 feet span, length...	47 "	

Tunnels.

1 completed, length	271 feet.
2 in progress, length perforated	751 "
	<hr/>
Total length perforated.....	1022 feet.
	<hr/>

Sewers of Hydraulic Brick Masonry.

1 completed, 4 by 5 feet, length.....	2050 feet.
1 " $2\frac{3}{4}$ by $3\frac{1}{2}$ feet, length	1550 "
3 in progress " " " laid up, length,.	2950 "
	<hr/>
Total length laid up,.....	6,550

Summary in Cubic Yards of Principal Items.

Excavation of earth,.....	325,877
" of rock,.....	105,650
	<hr/>
	431,527

Embankment,	216,807	
Back filling,	65,437	
		<hr/> 282,244
Foundation walls,	46,644	
Protection "	14,488	
		<hr/> 61,092
Hydraulic masonry in aqueduct,	17,925	
" " in other structures,	46,150	
		<hr/> 64,075

The estimate of the cost of sections 86 to 101 inclusive, has been revised, and exclusive of iron pipe account, is 2,700,000 dollars.

The part of the 4th division above referred to, has in progress the following heavy structures: Harlaem River Bridge, Glendining Bridge, and the Receiving and Distributing Reservoirs; all of which, except Harlaem River Bridge, are in a good state of progress.

A double line of 3 feet pipes is designed for Harlaem Valley—Manhattan Valley, and to form the connection between the Receiving and Distributing Reservoirs. Also, 30-inch pipe, from the eastern side of Receiving Reservoir to 80th street, to be eventually used for that part of the city.

The estimated cost of pipes laid down, and to be laid down, is..... \$625,420 28

Of the above there has been expended for pipes and laying down \$203,720 28

Remaining to be expended, \$421,700 00

RECAPITULATION.

Per statements for Aqueduct in Westchester County, \$4,440,848 29

Carried forward, \$4,440,848 29

Amount brought forward,	\$4,440,848 29
Estimated expense of repairs and attendance in letting in the water, and proving the work, for this part, which must be regarded, in a great degree, conjectural,	40,000 00
Estimated cost of 4th division, from section 86 to 101, inclusive, exclusive of iron pipes, ..	2,700,000 00
Do. of iron pipes,	\$625,420 28
Extra work in putting tempo- rary main across Harlaem River, .	30,000 00
	<hr/> 655,420 28
Expense of Engineer Department, since the same has been under my charge, from October, 1836, to 19th of October, 1840, for salary of myself and Principle Assistant, and to De- cember 1st, for general pay roll and incidental expenses. The November pay roll not being paid,	141,138 83
	<hr/> \$7,977,407 40

The expense of the Engineer Department, previous to the time above stated, is to be charged, to obtain the full expense of construction. These, never having been in my accounts, are necessarily omitted in this statement.

For the preceding work there has been expended, including the accounts and estimates submitted at this date, as follows:

On account of contracts, in full	\$4,128,225 98
Paid on unfi- nished work, exclusive of iron pipes ..	\$1,032,742 00
Carried over	\$1,032,742 00 \$4,128,225 98

Brought over,	\$1,032,742 00	\$4,128,225 98
Paid for pipes, and laying down	203,720 28	
	<u>1,236,462 28</u>	
		\$5,364,688 26
For Engineer Department, as above stated	141,138 83	
		<u>\$5,505,827 09</u>
Summary of statements as above		\$7,977,407 40
Amount paid as above		<u>5,505,827 09</u>
		\$2,471,580 31
Add for superintendence and contingencies, on balance of work to be done, at 8 per cent.		197,726 42
Remains to be expended for work		<u>\$2,669,306 73</u>

The probable cost of the work, as obtained from the preceding statements, including the whole line, from the Croton Reservoir to the Distributing Reservoir at Murray's Hill, and the grading of the Fifth avenue, from Fortieth street to the Bloomingdale road, is as follows :

Total amount of work done and to be done	\$7,977,407 40
Allowance for superintendence and contingencies, on work to be done, at 8 per cent.	197,726 42
	<u>\$8,175,133 82</u>

The total amount of the estimate I submitted in December, 1837, with the addition for raising the bridge over Harlem River, is	\$8,320,898 00
From the preceding statement it appears the total cost will be	<u>8,175,133 82</u>
Less than the estimate	\$145,764 18

The expenses of the Engineer Department, previous to my taking charge of the work, must be deducted from the above balance.

The work is now so far advanced, that we may regard, with great confidence, the close approximation of the estimate of 1837; and in all calculations for financial arrangements, I would recommend it as the basis for the cost of the work; to which must be added salaries, and incidental expenses of the Commissioners; and the cost of land, and water rights, with the incidental charges for this department of expenditure. The estimate above presented did not include this branch of expenditure, nor have any accounts of disbursements for it been kept in my department. The late Board of Commissioners estimated it at \$586,567. I have no means of determining how near this will approximate to the cost. Presuming it to be sufficient, it may be assumed the cost of the work, from Croton Reservoir to the Distributing Reservoir, will be safely provided for as follows:

General estimate of 1837, of the cost of work	\$8,320,898
Commissioners' estimate, as above stated	586,567
	<hr/>
	\$8,907,465

The amount paid on work done, as before stated, is \$5,505,827 09. The expenses of the Engineer Department, for about six months previous to the commencement, and during the execution of this part of the work, has been \$141,138 83; equal to \$35,284 per annum, or $2\frac{5}{8}\%$, a small fraction over $2\frac{1}{2}\%$ per cent. on the work done.

All the work on the island may be done without difficulty, except Clendinning Bridge, the Receiving and Distributing Reservoirs. The former, I think, may be completed by the close of the next season; but the amount of work on the two latter is such, that it appears doubtful if any diligence on the part of the contractors, consistent with a reasonable

regard to economy, will be sufficient to complete the work next season. With due energy in prosecuting their work, I believe they may have it ready to receive the water during the month of May, 1842. The time for completing their contracts expires in October next, and the contractors will expect some definite understanding whether the Board will insist on a strict compliance with the terms in this respect. They are men of competence and energy, and appear to have prosecuted their work with due diligence; but the arrangements for operating with a large force was inevitably retarded until the foundations and various appurtenances for regulating the flow of water were secured, and which occupied most of the first season. Their arrangements generally embraced as much field of action as appeared reasonable to require, and by which they have performed work on the Receiving Reservoir, including section 96, to the amount of \$174,000; and on the Distributing Reservoir to the amount of \$178,000; but there is yet to be done on the former about \$260,000 worth of work, and on the latter about \$230,000. I have no doubt they will prosecute their contracts with energy; but it is a large amount of work for one season, and I fear more than will be well done if they attempt it. To have these works ready by the middle of May, 1842, is as much as I believe can be well accomplished.

The work at the Harlem River Bridge has not progressed as rapidly as could be desired. It is satisfactory, however, to be able to say, that so far as the work has progressed in preparing the foundations, the method of accomplishing it has succeeded as well as was anticipated. The masonry in one of the river piers has been raised to about the high water level of the river. The foundation is about 14 feet below. The second river pier has its foundation about 16 feet below high water level; one course of masonry is laid, and the second course nearly completed. The dam leaks very little, and is easily kept clear of water. The frame of the coffer dam is placed for the third pier; the piles are

driven, and the embankment nearly completed. This foundation has been delayed by the frame of the fourth coffer dam, which required to be sunk before the embankment could be finished. The frame of the fourth is now in place, and the work of driving the piles is in progress, and we may soon expect to have the third coffer ready to empty. The first land pier, on the north side of the river, (No. 6 in the regular series,) has three courses of stone laid, and the foundation of the second pier on the north side, (No. 5 in the series,) is prepared to receive the masonry. The pit is prepared for driving the piles of the next pier towards the hill.

The first water pier, on the north side of the river, and the two land piers adjoining it, have their foundations on bearing piles. The lengths of piles for this water pier are from 18 to 30 feet. The pit was prepared by excavating the sand within the coffer dam to about 14 feet below high water. For two feet down from the heads of the piles, the space between them is filled with concrete masonry. A course of 12-inch white oak timber is then placed in ranges, over the heads of each row of piles, which are $2\frac{1}{2}$ feet from centre to centre; and the spaces between these timbers are filled with concrete masonry to the surface, presenting a uniform plane, on which a course of similar timber, in reverse of the first course, is placed to cover the rows of piles in the opposite direction, also $2\frac{1}{2}$ feet from centre to centre, and a similar timber placed between them, making a platform of timber, with spaces of 3 inches between each piece; these spaces are filled with fine concrete, which completes the plan of foundation on which the masonry is commenced. This method is designed to equalize the bearing of the piles. For the land piers, the masonry is commenced on the head of the piles; the concrete bed, of 3 feet, fills the intermediate spaces, and presents a level plane, to receive the stone work. The stone are prepared of suitable dimensions to rest fairly over the heads of the piles, and form a proper bond in the successive courses.

The foundation of the second river pier is a solid marble rock, dressed to a uniform plane, to receive the masonry.

The total amount of work done, on this section, is 91,000 dollars. The progress made on the foundations, will enable the contractors to carry forward their works, much more extensively next season than they have heretofore been able to do.

In the preceding statements, I have shown that the estimate of December, 1837, which included the work to the Distributing Reservoir, will be a safe basis for financial arrangement for that part of the work; to which must be added, in order to carry a large main, (mostly 3 feet,) from the Distributing Reservoir, down the Fifth avenue and Broadway, to the Battery, for the purpose of connecting with the distribution through the city, the sum of 300,000 dollars, the estimated expense for the same.

Respectfully submitted.

JOHN B. JERVIS,

Chief Engineer N. Y. Water Works.

SING SING, 9TH JANUARY, 1841.

To Samuel Stevens, Esq.,

President of the Water Commissioners :

DEAR SIR:

The extraordinary and unprecedented flood in the Croton, rose, at the dam, to the top, and passed over the embankment, (15 feet above the weir of the dam,) and swept off the greater part of the embankment, and protection wall, say three quarters of the length. The masonry of dam, abutment, bulkhead, and gateway remains—the embankment swept from it. A wing wall, at the head of the abutment, is all the masonry that has been lost. The masonry has suffered no material injury; here and there a few stones have been knocked out, or loosened, by the violence of the ice. Previous to the break, over the embankment, the ice was unbroken in the Reservoir, and the flow of water over the weir of the dam unobstructed, presenting a rush of water that I could not have believed would ever have been so suddenly collected in the Croton. It rose at the rate of fourteen inches per hour, on a Reservoir of 400 acres, in addition to the discharge of the immense volume over the weir of the dam. The result has been disastrous, as may readily be imagined. It is impossible, at this time, to form any accurate estimate of the expense it will require to repair the work, in which will be involved the expense of a more extensive weir for discharging the floods, probably 75,000 dollars. This very unlooked for flood has caused much damage on the river, above and below the dam, in carrying away buildings, dams, and bridges; some of which is ascertained to have been done before the embankment of the dam gave way, and how much more, I cannot say, as the great height

was reached when most persons were asleep, at half-past four o'clock of the morning of the 8th instant; and the height, the previous day, not being such as to lead to any serious apprehension for the night. So far as I have been able to learn, no material damage has occurred to any other part of our work. It appears that three lives were lost, one at the dam, and two at Bailey's wire factory. Great distress has been produced to persons, by this flood, who were suddenly driven from their dwellings, several only escaping in their night clothes.

Respectfully your obedient servant.

(Signed.)

JOHN B. JERVIS.

REPORT
OF THE SPECIAL COMMITTEE
TO WHOM WAS REFERRED
THE
PETITION OF THE CATHOLICS
RELATIVE TO THE DISTRIBUTION
OF THE
SCHOOL FUND:
TOGETHER WITH
THE REMONSTRANCES AGAINST THE SAME.

BRYANT AND BOGGS, PRINTERS,
57 Pine Street, New York.



DOCUMENT No. 40.

BOARD OF ALDERMEN,

JANUARY 11, 1841.

The Special Committee, to whom was referred the Petition of the Catholics for a portion of the School Fund, together with the remonstrances against the same, presented the following report thereon, which was, on motion accepted and the Committee discharged, on a division called by Alderman Graham, viz :—In the affirmative, the President, Aldermen Balis, Woodhull, Benson, Jones, Rich, Chamberlain, Campbell, Hatfield, Jarvis, Smith, Nichols, Graham, Cooper and Nash—15. In the negative, Alderman Pentz—1. And 1000 copies thereof ordered printed, with the vote taken on the report.

SAMUEL J. WILLIS, CLERK.

Resolved, That all letters and papers touching and connected with the School Fund question, be referred to the Special Committee, appointed for the purpose of investigating the subject.

By WILLIAM CHAMBERLAIN.

Resolved, That a Committee of three be appointed, in conformity to the request of the Public School Society, and that a Committee of the petitioners for a portion of the School Fund, and also of the remonstrants be invited to accompany them to examine the Public Schools for the purpose of ascertaining what defects, if any, exist in their organization, and that the said Committee be instructed to report to this Board whether any arrangement can be agreed upon, which will be mutually satisfactory to the parties interested.

By WILLIAM CHAMBERLAIN.

The Special Committee, to whom were referred the petition of the Catholics of New York, relative to the distribution of the School Fund, the several remonstrances and other documents connected with the subject, together with the above resolution of instructions, respectfully submit the following

REPORT:

In pursuance of the instructions contained in the resolution, they employed two entire days in visiting the public schools, accompanied by a Committee of the petitioners, and also of the Public School Society, with a view to ascertain if any defects exist in their organization; and after a thorough scrutiny, in which all parties participated, your Committee not only failed to discover anything strikingly defective in the system, but became strongly impressed with a conviction that the public schools under their present organization, are admirably adapted to afford precisely the kind of instruction for which they were instituted. It is deemed essential to the welfare and security of our government, that the means of mental cultivation should be extended to every child in the community. The rising generation are destined

to be the future rulers of the land, and their happiness can only be secured by such an education as will constitute them an intelligent community, prepare them to guard against the machinations of demagogues, and so to exercise the rights and franchises of citizens as not to deprive themselves of the invaluable privileges which are their birthright. That the public school system, as now organized, is calculated to effect these objects, your Committee do not entertain a doubt; but, though they regard it as an incalculable public blessing, if they could be persuaded that it trespassed upon the conscientious rights of any portion of our citizens, they would begin to doubt the propriety of its continuance: they cannot, however, conceive that it is justly amenable to such a charge, so long as sectarian dogmas and peculiarities are excluded from the schools, and no pupils are either admitted into them, or excluded from them, against the consent of their natural or legal guardians. The system has grown up under the auspices of a voluntary association of individuals usually known as "The Public School Society," formed for the purpose of promoting education, and admitting to membership any citizen of good moral character, who is not a clergyman, upon a contribution of ten dollars to its funds. This society has watched with indefatigable vigilance and untiring assiduity over the rise and progress of the system, and by their unrequited labors it has been nurtured into maturity. In its present aspect, it is a monument of disinterestedness and public spirit, of which our city has reason to be proud. Your Committee hereby acknowledge their indebtedness to the members of that society, for the prompt manner in which they responded to every call made upon them, and they cannot but hope that the spirit of candor which they have displayed, and which the petitioners in the same spirit acknowledge, will ultimately remove every barrier, which, through misapprehension, as your Committee believe, has hitherto retarded the entire success of their benevolent and patriotic exertions. It has been objected on the part of

the petitioners, that the books used in the public schools contain passages that are calculated to prejudice the minds of children against the Catholic faith. This objection, your Committee discovered to be not wholly unfounded; but we are happy to have it in our power to add, that the School Society fully agree with us in the opinion that nothing in the books or usages of the schools should be continued that is calculated in the remotest degree to wound the feelings or prejudice the minds of children in favor of or against any religious sect whatever; that they have expunged such passages in the books as they have been able to discover in any way objectionable; that they desire to continue, and earnestly solicit the aid and co-operation of the petitioners, in the work of expurgation, until every really objectionable feature shall be entirely obliterated. The extreme difficulty of this undertaking, is illustrated by the fact that some of the very same passages quoted by the petitioners as particularly objectionable, and which have been obliterated in the public school books, were found by your Committee entirely unobscured in the books used in one of the Catholic schools. It is a melancholy fact, that in neighborhoods where Catholic children are numerous, the public schools number but few children whose parents profess the Catholic faith; but after the arduous task of expurgation shall have been completed, and every well grounded objection removed, your Committee fondly hope that the school houses will be filled with children, and that no parents or guardians, be their religious feelings what they may, will refuse to avail themselves of the benefits of the public schools for the education of their children, being fully persuaded that many years would elapse before any new system of instruction could be organized, with advantages equal to the one now equally available to every child in the community. If, with such a system, any portion of the children should be left uneducated, it cannot be justly chargeable to a want of comprehensiveness in the system, but is more fairly attributable to imper-

fections which human legislation cannot remedy. The general objections to sectarian public schools, do not apply to cases where children are supported by charity, and necessarily confined to a particular locality, and not open to all children. Your Committee think that all such establishments might enjoy the benefits of education, at public expense, without an infringement of the principles contended for ; and the rule being made general, their participation in the benefits of the School Fund would not necessarily constitute a public recognition of their religious sectarian character. No school system can be perfect which does not place the means of education within the reach of every child who is capable of receiving instruction ; and such, your Committee believe, to be the design and capacity of the system now in use in this city.

The Public School buildings are constructed upon a uniform model ; the books used are the same in all the schools, and the classes and departments in each are so similarly constituted and provided, that the removal of a pupil from one school to another, will not interrupt his studies or retard his progress. Though religion constitutes no specific part of the system of instruction, yet the discipline of the schools, and the well arranged and selected essays and maxims which abound in their reading books, are well calculated to impress upon the minds of children, a distinct idea of the value of religion ; the importance of the domestic and social duties ; the existence of God, the creator of all things ; the immortality of the soul ; man's future accountability ; present dependence upon a superintending providence ; and other moral sentiments, which do not conflict with sectarian views and peculiarities.

The different classes examined in several schools by your Committee, exhibited an astonishing progress in geography, astronomy, arithmetic, reading, writing, &c. ; and indicated a capacity in the system for imparting instruction, far beyond our expectations ; and, though the order and arrangement of

each school would challenge comparison with a camp under a rigid disciplinarian, yet the accustomed buoyancy and cheerfulness of youth and childhood, did not appear to be destroyed, in any one of them : such were the favorable impressions forced upon our minds, by a careful examination of the public schools. It is due to the Trustees, to add, that not one of our visits was anticipated, and no opportunity was afforded to any of the teachers, for even a momentary preparation. In the course of our investigations, we also visited three of the schools established by the petitioners, and for the benefit of which, a portion of the School Fund is solicited. We found them, as represented by the petitioners, lamentably deficient in accommodations, and supplies of books and teachers : the rooms were all excessively crowded and poorly ventilated ; the books much worn as well as deficient in numbers, and the teachers not sufficiently numerous ; yet, with all these disadvantages, though not able to compete successfully with the public schools, they exhibited a progress, which was truly creditable ; and with the same means at their disposal, they would doubtless soon be able, under suitable direction, greatly to improve their condition. The object of the petitioners, is to supply these deficiencies from the fund provided by the bounty of the State, for the purposes of common school education. But however strongly our sympathies may be excited in behalf of the poor children assembled in these schools, such is the state of the public mind on this subject, that if one religious sect should obtain a portion of the School Fund, every other one would present a similar claim, and it would be a signal for the total demolition of the system, which has grown up under the guidance of many years of toilsome experience ; attaining a greater degree of perfection, than has perhaps, ever before been achieved, and which is probably extending a greater amount of instruction at smaller expense than can possibly be imparted by any other school system, that has been devised. This result of such a disposal of the School Funds, would most probably,

be followed by a counteraction in the public mind, which would lead to a revocation of the Act, by a succeeding Common Council, and the awakening of a spirit of intolerance, which, in our country, is of all calamities, the one most to be dreaded. Political intolerance, is an unmitigated evil; but the experience of past ages ought to admonish us to guard, with unceasing vigilance, against religious intolerance, as an evil greater in magnitude, in proportion as eternal consequences exceed those of time. So long as government refuses to recognise religious sectarian differences, no danger need be apprehended from this source; but when it begins to legislate with particular reference to any particular denomination of christians, in any manner which recognises their religious peculiarities, it oversteps a boundary which public opinion has established; violates a principle which breaths in all our Constitutions; and opens a door to that unholy connection of politics with religion, which has so often cursed and desolated Europe. Under these impressions of the impossibility of granting the prayer of the petitioners, without producing the most fatal consequences, and impressed, at the same time, with an anxious desire to remove every obstacle out of the way of the public education of their children, if it could be done without sacrificing any fundamental principle, your Committee invited the School Society and the petitioners, to appoint delegates to meet them, with a view to effect a compromise, if possible. The invitation was promptly responded to, and several meetings were held, at which the subject was fully and very courteously discussed, in all its bearings, and though we extremely regret to report, that the conferences did not result as favorably as we had hoped, yet the spirit and tenor of the following propositions, submitted at our request, by both the School Society and the petitioners, encourage a belief, that our labor may not have been entirely in vain.

PROPOSITION
ON THE PART OF THE PETITIONERS.

The schools represented by the undersigned, wherein children are instructed free of charge, shall be placed under the supervision of, conform to the system and discipline adopted by the Public School Society, and consent that all the expenditures of the schools shall be made under the direction of that institution, to the purposes of common school education, and to no other purpose whatsoever, upon the following terms:

1st. That there shall be reserved to the Managers, or Trustees of these schools respectively, the designation of the teachers to be appointed therein; who shall be subjected to the examination of a Committee of the Public School Society, shall be fully qualified for the duties of their appointment, and of unexceptionable moral character; or in the event of the Trustees or Managers failing to present individuals for these situations of that description, then individuals having like qualifications, and of unexceptionable character, to be selected and appointed by the Public School Society, who shall be acceptable to the Managers or Trustees of the Schools to which they shall be appointed; but no person to be continued as a teacher in either of the schools referred to, against the wishes of the Trustees or Managers thereof.

2d. That the schools shall be open at all times to the inspection of any authorized agent or officer of the city or State government, with liberty to visit the same, and examine the books used therein, or the teachers, touching the course and system of instruction pursued in the schools, or in relation to any matter connected therewith.

The undersigned are willing that, in the superintendence of their schools, every specified requirement of any and every law passed by the Legislature of the State, or the ordinances of the Common Council, to guard against abuse in the matter of common school education, shall be rigidly enforced and exacted by the competent public authorities.

They believe that the benevolent object of every such law is to bring the means of a plain education within the reach of the child of every poor man, without damaging their religion, whatever it may be, or the religious rights of any such child or parent.

It is in consequence of what they consider the damaging of their religion and their religious rights, in the schools of the Public School

Society, that they have been obliged to withdraw their children from them. The facts which they have already submitted, and which have been more than sustained by the sentiments uttered on behalf of the society, in the late discussion, prove that they were not mistaken.

As regards the organization of their schools, they are willing that they should be under the same police and regulation as those of the Public School Society. The same hours, the same order, the same exercises, even the same inspection.

But the books to be used for exercises in learning to read or spell, in history, geography, and all such elementary knowledge, as could have a tendency to operate on their hearts and minds, in reference to their religion, must be, so far as Catholic children are concerned, and no farther, such as they shall judge proper to put in their hands. But nothing of their dogmas, nothing against the creed of any other denomination shall be introduced.

(Signed.)

HUGH SWEENEY,
JAMES W. McKEON.

New York, December 19, 1840.

PROPOSITION ON BEHALF OF THE SCHOOL SOCIETY.

In compliance with the request of the Committee of the Board of Aldermen, the undersigned Committee of the New York Public School Society, submit the following propositions as a basis of a compromise with their Roman Catholic fellow citizens on the subject of the Public Schools; which propositions they are willing to support before the Trustees of the society, and which they believe will be sanctioned by that Board.

The Trustees of the New York Public School Society will remove from the class-books in the schools, all matters which may be pointed out as offensive to their Roman Catholic Fellow citizens, should any thing objectionable yet remain in them.

They will also exclude from the school libraries, (the use of which is *permitted* to the pupils, but not *required* of them,) every work written with a view to prejudice the mind of the reader against the tenets or practices of the Roman Catholic Church, or the general tendency of which is to produce the same effect.

They will receive and examine any books which may be recom-

mended for the use of the schools ; and should such books be adapted to their system of instruction, and void of any matter offensive to other denominations, they shall be introduced so soon as opportunity may be afforded by a call for new books.

Any suggestions in reference to alterations in the plan of instruction, or course of studies, which may be offered, shall receive prompt consideration ; and if not inconsistent with the general system of instruction, now prevailing in the schools, nor with the conscientious rights of other denominations, they shall be adopted.

The building situated in Mulberry street, now occupied by Roman Catholic Schools, shall, if required for the use of the Public School Society, be purchased or hired, on equitable terms, by the Trustees, should such an arrangement be desired.

Every effort will be made by the Trustees of the Public School Society, to prevent any occurrence in the schools which might be calculated to wound the feelings of Roman Catholic children, or to impair their confidence in, or diminish their respect for the religion of their parents.

Anxious to keep open every avenue to such an arrangement as will lead to a general attendance of the Roman Catholic children at the Public Schools, and fully aware that some things may have escaped their observation which might be modified without violation of the conscientious rights of others, the undersigned wish it to be distinctly understood, that in offering the foregoing propositions, as the basis of an arrangement, it is not intended to exclude other propositions which the Roman Catholics may make, provided they do not interfere with the principles by which the Trustees feel themselves bound.

(Signed.)

SAMUEL F. MOTT,
A. P. HALSEY,
J. SMYTH ROGERS,
Committee.

New York, December 19, 1840.

Your Committee deem it proper to remark, in vindication of the School Society, that they were only one of the numerous remonstrants against the prayer of the petitioners. Their views were represented in the late discussion before

the Board only by their legal advisers, Messrs. Sedgwick and Ketcham. The other gentlemen who participated in the discussion, represented other bodies which are not in any manner connected with them. Sentiments were uttered by some of them which the School Society do not entertain, and for which they are not justly accountable. This explanation is deemed proper, in consequence of a remark in the above proposition of the petitioners, which appears to be founded on an erroneous impression. The unwillingness of the petitioners to agree to any terms which did not recognise the distinctive character of their schools as Catholic schools, or which would exclude sectarian supervision from them entirely, was the obstacle to a compromise, which could not be overcome. However much we may lament the consequences, we are not disposed to question the right of our Catholic fellow citizens to keep their children separated from intercourse with other children, but we do not believe the Common Council would be justified in FACILITATING such an object; they have an unquestionable right to pursue such a course, if the dictates of conscience demand it of them; and they have a just claim to be sustained by the Common Council in the exercise of that right, but they cannot justly claim public *aid* to carry out such intentions, unless they can show that the public good would be promoted by it, and that such public aid can be extended to them without trespassing upon the conscientious rights of others; but if any religious society, or sect, should be allowed the exclusive right to select the books, appoint or nominate the teachers, or introduce sectarian peculiarities of any kind into a public school, the exercise of such a right, in any one particular, would very clearly constitute such school a sectarian school, and its support at the public expense would, in the opinion of the Committee, be a trespass upon the conscientious rights of every taxpayer who disapproved of the religion inculcated by the sect to which such school might be attached; because they would be paying taxes for the support of a religion which they dis-

approved. Your Committee are, therefore, fully of the opinion, that the granting of the prayer of the petitioners, or conforming to the terms of the proposals submitted by the Committee who represented them, would render the school system liable to the charge of violating the rights of conscience, a charge which would be fatal to the system, because it would invalidate its just claim to public patronage.

The proposition of the Committee, who represent the Public School Society, appears to us to have been conceived in a liberal spirit; your Committee think it goes as far as a due regard to the true objects of the institution would warrant, and seems to open an avenue which we would fain hope may yet lead to a satisfactory arrangement. Both propositions exhibit more liberality, probably, than either party had before given the other credit for, and we hope that result may prove to be an important step towards the accomplishment of an object which every patriot must desire with intense anxiety. Your Committee respectfully ask to be discharged from the further consideration of the subject.

WM. CHAMBERLAIN,
ROBERT JONES,
JOSIAH RICH.

At a meeting of the Catholics of the City of New York, held at St. James' Church, on Monday evening, the 21st of September, inst., Thomas O'Connor was appointed Chairman; Andrew Carrigan, Gregory Dillon and Peter Duffy, Vice Chairman; and B. O'Connor, S. M. Laughlin and James Kelly, Secretaries.

The Right Reverend Bishop Hughes, from the Committee selected at a former meeting, presented the following petition on behalf of the Catholics of the City of New York; which was, on motion, unanimously adopted, and ordered to be presented to the Board of Aldermen, after having been signed by the officers of the meeting.

To the Honorable the Board of Aldermen of the City of New York :

THE PETITION OF THE CATHOLICS OF NEW YORK
RESPECTFULLY REPRESENTS :

That your petitioners yield to no class in their performance of, and disposition to perform, all the duties of citizens. They bear, and are willing to bear their portion of every common burthen; and feel themselves entitled to a participation in every common benefit.

This participation, they regret to say, has been denied them for years back, in reference to common school education in the City of New York, except on conditions with which their conscience, and, as they believe, their duty to God, did not, and does not leave them at liberty to comply.

The rights of conscience, in this country, are held by both the Constitution and universal consent, to be sacred and

inviolable. No stronger evidence of this need be adduced than the fact, that one class of citizens are exempted from the duty or obligation of defending their country against an invading foe, out of delicacy and deference to the rights of conscience which forbids them to take up arms for any purpose.

Your petitioners only claim the benefit of this principle, in regard to the public education of their children. They regard the public education which the State has provided as a common benefit, in which they are most desirous, and feel that they are entitled, to participate ; and therefore they pray your Honorable Body that they may be permitted to do so, without violating their conscience.

But your petitioners do not ask that this prayer be granted without assigning their reasons for preferring it. In ordinary cases men are not required to assign the motives of conscientious scruples in matters of this kind. But your petitioners are aware that a large, wealthy, and concentrated influence is directed against their claim by the corporation called the Public School Society. And that this influence, acting on a public opinion already but too much predisposed to judge unfavorably of the claims of your petitioners, requires to be met by facts which justify them in thus appealing to your Honorable Body, and which may, at the same time, convey a more correct impression to the public mind. Your petitioners adopt this course the more willingly, because the justice, and impartiality which distinguish the decisions of public men, in this country, inspire them with the confidence that your Honorable Body will maintain, in their regard, the principle of the rights of conscience, if it can be done without violating the rights of others, and on no other condition is the claim solicited.

It is not deemed necessary to trouble your Honorable Body with a detail of the circumstances by which the monopoly of the public education of children in the City of New York, and of the funds provided for that purpose at the expense of the State, have passed into the hands of a private corporation,

styled in its act of charter, "The Public School Society of the City of New York." It is composed of men of different sects or denominations. But that denomination, Friends, which is believed to have the controlling influence, both by its numbers and otherwise, holds as a peculiar *sectarian principle* that any formal or official teaching of religion is, at best, unprofitable. And your petitioners have discovered that such of *their* children as have attended the public schools, are generally, and at an early age, imbued with the same principle—that they become intractable, disobedient, and even contemptuous towards their parents—unwilling to learn any thing of religion—as if they had become illuminated, and could receive all the knowledge of religion necessary for them, by instinct or inspiration. Your petitioners do not pretend to assign the cause of this change in their children: they only attest the fact, as resulting from their attendance at the public schools of the Public School Society.

This society, however, is composed of gentlemen of various sects, including even one or two Catholics. But they profess to exclude all sectarianism from their schools. If they do not exclude sectarianism, they are avowedly no more entitled to the school funds than your petitioners, or any other denomination of professing Christians. If they do, as they profess, exclude sectarianism, then your petitioners contend that they exclude Christianity; and leave to the advantage of infidelity the tendencies which are given to the minds of youth by the influence of this feature and pretension of their system.

If they could accomplish what they profess, other denominations would join your petitioners in remonstrating against their schools. But they do not accomplish it. Your petitioners will show your Honorable Body that they do admit what Catholics call sectarianism, (although others may call it only religion,) in a great variety of ways.

In their 22d report, as far back as the year 1827, they tell us, page 14, that they "*are aware of the importance of early*

RELIGIOUS INSTRUCTION"—and that none but what is "exclusively general and scriptural in its character should be introduced into the schools under their charge." Here, then, is their own testimony that they did introduce and authorize "religious instruction" in their schools. And that they solved, with the utmost composure, the difficult question on which the sects disagree, by determining *what kind of "religious instruction" is "exclusively general and scriptural in its character."* Neither could they impart this "early religious instruction" themselves. They must have left it to their teachers—and these, armed with official influence, could impress those "early religious instructions" on the susceptible minds of the children, with the authority of dictators.

The Public School Society, in their report for the year 1832, page 10, describe the effect of these "early religious instructions," without, perhaps, intending to do so; but yet precisely as your petitioners have witnessed it, in such of their children as attended those schools. "The age at which children are usually sent to school, affords a much better opportunity to mould their minds to peculiar and exclusive forms of faith than any subsequent period of life." In page 11, of the same report, they protest against the injustice of supporting "religion in any shape" by public money: as if the "early religious instruction" which they had themselves authorized in their schools, five years before, was not "religion in some shape," and was not supported by public taxation. They tell us again, in more guarded language, "The Trustees are deeply impressed with the importance of imbuing the youthful mind with religious impressions, and they have endeavoured to attain this object, as far as the nature of the institution will admit." Report of 1837, page 7.

In their 33d Annual Report they tell us, that "they would not be understood as regarding religious impressions in early youth as unimportant; on the contrary, they desire

“ to do all which may with propriety be done, to give a right
“ direction to the minds of the children entrusted to their
“ care. Their schools are uniformly opened with the read-
“ ing of the Scriptures, and the class books are such as re-
“ cognise and enforce the great and generally acknowledged
“ principles of Christianity.” Page 7.

In their 34th Annual Report, for the year 1339, they pay a high compliment to a deceased teacher for “the moral and
“ RELIGIOUS influence exerted by her over the three hundred
“ girls daily attending her school,” and tell us that “it could
“ not but have had a lasting effect on many of their suscep-
“ tible minds.” Page 7. And yet in all these “early religious
instructions, religious impressions, and religious influence,” essentially anti-catholic, your petitioners are to see nothing sectarian; but if in giving the education which the State requires, they were to bring the same influences to bear on the
“ susceptible minds” of their *own* children, in favor, and not against, their *own* religion, then this society contends that it would be sectarian!!

Your petitioners regret that there is no means of ascertaining to what extent the teachers in the schools of this society carried out the views of their principals on the importance of conveying “early religious instructions” to the “susceptible minds” of the children. But they believe it is in their power to prove, that, in some instances, the Scriptures have been explained, as well as read, to the pupils.

Even the reading of the Scriptures in those schools your petitioners cannot regard otherwise than as sectarian; because Protestants would certainly consider as such the introduction of the Catholic Scriptures, which are different from theirs; and the Catholics have the same ground of objection when the Protestant version is made use of.

Your petitioners have to state further, as grounds of their conscientious objections to those schools, that many of the selections in their elementary reading lessons contain matter prejudicial to the Catholic name and character. The term

"POPERY," is repeatedly found in them. This term is known and employed as one of insult and contempt towards the Catholic religion, and it passes into the minds of children with the feeling of which it is the outward expression. Both the historical and religious portions of the reading lessons are selected from Protestant writers, whose prejudices against the Catholic religion render them unworthy of confidence in the mind of your petitioners, at least so far as their own children are concerned.

The Public School Society have heretofore denied that their books contained any thing reasonably objectionable to Catholics. Proofs of the contrary could be multiplied, but it is unnecessary, as they have recently retracted their denial, and discovered, after fifteen years enjoyment of their monopoly, that their books do contain objectionable passages. But they allege that they have proffered repeatedly to make such corrections as the Catholic Clergy might require. Your petitioners conceive that such a proposal could not be carried into effect by the Public School Society without giving just ground for exception to other denominations. Neither can they see with what consistency that society can insist, as it has done, on the perpetuation of its monopoly, when the Trustees thus avow their incompetency to present unexceptionable books, without the aid of the Catholic, or any other Clergy. They allege, indeed, that with the best intentions they have been unable to ascertain the passages which might be offensive to Catholics. With their intentions, your petitioners cannot enter into any question. Nevertheless, they submit to your Honorable Body, that this society is eminently incompetent for the superintendence of public education, if they could not see that the following passage was unfit for the public schools, and especially unfit to be placed in the hands of Catholic children.

They will quote the passage as one instance, taken from Putnam's Sequel, page 296 :

"Huss, JOHN, a zealous reformer from Popery, who lived in Bohemia, towards the close of the fourteenth, and the beginning of the fifteenth centuries. He was bold and persevering; but at length, trusting himself to the deceitful Catholics, he was by them brought to trial, condemned as a heretic, and burnt at the stake."

The Public School Society may be excused for not knowing the historical inaccuracies of this passage; but surely assistance of the Catholic Clergy could not have been necessary to an understanding of the word "deceitful," as applied to all who profess the religion of your petitioners.

For these reasons, and others of the same kind, your petitioners cannot, in conscience, and consistently with their sense of duty to God, and to their offspring, entrust the Public School Society with the office of giving "a right direction to the minds of their children." And yet this society claims that office, and claims for the discharge of it the Common School Funds, to which your petitioners, in common with other citizens are contributors. In so far as they are contributors, they are not only deprived of any benefit in return, but their money is employed to the damage and detriment of their religion, in the minds of their own children, and of the rising generation of the community at large. The contest is between the *guarantied* rights, civil and religious, of the citizen on the one hand, and the pretensions of the Public School Society on the other: and whilst it has been silently going on for years, your petitioners would call the attention of your Honorable Body to its consequences on that class for whom the benefits of public education are most essential—the children of the poor.

This class (your petitioners speak only so far as relates to their own denomination) after a brief experience of the schools of the Public School Society, naturally and deservedly withdrew all confidence from it. Hence the establishment by your petitioners of schools for the education of the poor. The expense necessary for this, was a second taxation,

required, not by the laws of the land, but by the no less imperious demands of their conscience.

They were reduced to the alternative of seeing their children growing up in entire ignorance, or else taxing themselves anew for private schools, whilst the funds provided for education, and contributed in part by themselves, were given over to the Public School Society, and by them employed as has been stated above.

Now your petitioners respectfully submit, that without this confidence, no body of men can discharge the duties of education as intended by the State, and required by the people. The Public School Society are, and have been at all times, conscious that they had not the confidence of the poor. In their twenty-eighth report, they appeal to the ladies of New York to create or procure it, by the "persuasive eloquence of female kindness;" page 5. And from this they pass, on the next page, to the more efficient eloquence of coercion, under penalties and privations to be visited on all persons "whether emigrants or otherwise," who being in the circumstances of poverty referred to, should not send their children to some "public or other daily school." In their twenty-seventh report, pages 15 and 16, they plead for the doctrine, and recommend it to public favor by the circumstance that it will affect but "few natives." But why should it be necessary at all, if they possessed that confidence of the poor, without which they need never hope to succeed. So well are they convinced of this, that no longer ago than last year, they gave up all hope of inspiring it, and loudly call for coercion by "*the strong arm of the civil power*" to supply its deficiency. Your petitioners will close this part of their statement with the expression of their surprise and regret that gentlemen who are themselves indebted much to the respect which is properly cherished for the rights of conscience, should be so unmindful of the same rights in the case of your petitioners. Many of them are by religious principle so pacific that they would not take up arms in the defence

of the liberties of their country, though she should call them to her aid ; and yet, they do not hesitate to invoke the "strong arm of the civil power" for the purpose of abridging the private liberties of their fellow citizens, who may feel equally conscientious.

Your petitioners have to deplore, as a consequence of this state of things, the ignorance and vice, to which hundreds, nay, thousands of their children are exposed. They have to regret, also, that the education which they can provide, under the disadvantages to which they have been subjected, is not as efficient as it should be. But should your Honorable Body be pleased to designate their schools as entitled to receive a just proportion of the Public Funds, which belong to your petitioners, in common with other citizens, their schools could be improved, for those who attend ; others now growing up in ignorance, could be received, and the ends of the Legislature could be accomplished—a result which is manifestly hopeless, under the present system.

Your petitioners will now invite the attention of your Honorable Body, to the objections and misrepresentations that have been urged by the Public School Society, to granting the claim of your petitioners. It is urged by them, that it would be appropriating money raised by general taxation, to the support of the Catholic religion. Your petitioners join issue with them, and declare unhesitatingly, that if this objection can be established, the claim shall be forthwith abandoned. It is objected, that though we are taxed as citizens, we apply for the benefits of education, as "Catholics." Your petitioners, to remove this difficulty, beg to be considered in their application in the identical capacity in which they are taxed, viz: as citizens of the Commonwealth. It has been contended by the Public School Society, that the law disqualifies schools, which admit any profession of religion, from receiving any encouragements from the School Fund. Your petitioners have two solutions for this pretended difficulty. *First*—Your petitioners are unable to

discover any such disqualification in the law, which merely delegates to your Honorable Body, the authority and discretion of determining what schools or societies shall be entitled to its bounty. *Second*—Your petitioners are willing to fulfil the conditions of the law, so far as religious teaching is proscribed, during school hours. In fine, your petitioners, to remove all objection, are willing that the material organization of their schools, and the disbursements of the funds allowed for them, shall be conducted, and made, by persons unconnected with the religion of your petitioners; even the Public School Society, if it should please your Honorable Body to appoint them for that purpose. The public may then be assured, that the money will not be applied to the support of the Catholic religion.

It is deemed necessary by your petitioners, to save the Public School Society the necessity of future misconception, thus to state the things which are *not* petitioned for. The members of that society, who have shown themselves so impressed with the importance of conveying *their* notions of “early religious instruction” to the “susceptible minds” of Catholic children, can have no objection that the parents of the children, and teachers in whom the parents have confidence, should do the same: provided, no law is violated thereby, and no disposition evinced to bring the children of other denominations within its influence.

Your petitioners, therefore, pray that your Honorable Body, will be pleased to designate, as among the schools entitled to participate in the Common School Fund, upon complying with the requirements of the law, the ordinances of the Corporation of the city, or for such other relief, as to your Honorable Body shall seem meet—St. Patrick's School, St. Peter's School, St. Mary's School, St. Joseph's School, St. James' School, St. Nicholas' School, Transfiguration Church School, and St. John's School.

And your petitioners further request, in the event of your Honorable Body's determining to hear your petitioners, on

the subject of their petition, that such time may be appointed, as may be most agreeable to your Honorable Body, and that a full session of your Honorable Board be convened for that purpose.

And your petitioners, &c.

THOMAS O'CONNOR,	} Of a general meeting of the Catholics of the City of N. York, convened in the school room of St. James' Church, 21st September, 1840.
<i>Chairman,</i>	
GREGORY DILLON,	
ANDREW CARRIGAN,	
PETER DUFFY,	} <i>Vice Chairmen,</i>
B. O'CONNOR,	
JAMES KELLY,	
J. McLoughlin,	
<i>Secretaries.</i>	

M E M O R I A L

OF A COMMITTEE APPOINTED BY THE PASTORS OF THE

Methodist Episcopal Church,PROTESTING AGAINST ANY SECTARIAN DISTRIBUTION
OF THE SCHOOL FUND.

*To the Honorable the Common Council
of the City of New York.*

The undersigned Committee, appointed by the Pastors of the Methodist Episcopal Church in this City, on the part of said pastors and churches, do most respectfully represent:

That they have heard with surprise and alarm, that the Roman Catholics have renewed their application to the Common Council, for an appropriation from the Common School Fund, for the support of the schools under their own direction; in which they teach, and propose still to teach, their own sectarian dogmas; not only to their own children, but to such Protestant children as they may find means to get into their schools.

Your memorialists had hoped that the clear, cogent, and unanswerable arguments, by which the former application for this purpose was resisted, would have saved the Common Council from further importunity.

It was clearly shown that the Council could not legally make any sectarian appropriation of the public funds; and it was as clearly shown, that it would be utterly destructive of the whole scheme of public school instruction to do so, even

if it could be legally done. But it seems that neither the Constitution of the State, nor the public welfare, are to be regarded, when they stand in the way of Roman Catholic sectarianism and exclusiveness.

It must be manifest to the Common Council, that if the Roman Catholic claims are granted, all the other Christian denominations will urge their claims for a similar appropriation; and that the money raised for education by a general tax, will be solely applied to the purposes of proselytism through the medium of sectarian schools. But if this were done, would it be the price of peace? or would it not throw the apple of discord into the whole Christian community? Should we agree in the division of the spoils? Would each sect be satisfied with the portion allotted to it? We venture to say that the sturdy claimants who now beset the Council, would not be satisfied with much less than the lion's share; and we are sure that there are other Protestant denominations, besides ourselves, who would not patiently submit to the exaction. But when all the Christian sects shall be satisfied with their individual share of the public fund, what is to become of those children whose parents belong to none of these sects, and who cannot conscientiously allow them to be educated in the peculiar dogmas of any one of them? The different Committees who on a former occasion approached your Honorable Body, have shown that to provide schools for these only, would require little less than is now expended; and it requires little arithmetic to show that when the religious sects have taken all, nothing will remain for those who have not yet been able to decide, which of the Christian denominations to prefer. It must be plain to every impartial observer, that the applicants are opposed to the whole system of public school instruction; and it will be found, that the uncharitable exclusiveness of their creed, must ever be opposed to all public instruction, which is not under the direction of their own priesthood. They may be conscientious in all this; but though it be no new claim on their part, we

cannot yet allow them to guide and control the consciences of all the rest of the community. We are sorry that the reading of the Bible, in the public schools, without note or commentary, is offensive to them; but we cannot allow the holy scriptures to be accompanied with *their* notes and commentaries, and to be put into the hands of the children, who may hereafter be the rulers and legislators of our beloved country; because, among other bad things taught in these commentaries, is to be found the lawfulness of murdering heretics; and the unqualified submission in all matters of conscience to the Roman Catholic Church.

But if the principle on which this application is based should be admitted, it must be carried far beyond the present purpose.

If all are to be released from taxation when they cannot conscientiously derive any benefit from the disbursement of the money collected, what will be done for the Society of Friends, and other sects, who are opposed to war, under all circumstances. Many of these, beside the tax paid on all the foreign goods they consume, pay direct duties at the Custom House, which go to the payment of the army and to purchase the munitions of war. And even when the Government finds it necessary to lay direct war taxes, these conscientious sects are compelled to pay their proportion, on the ground that the public defence requires it. So it is believed the public interest requires the education of the whole rising generation; because it would be unsafe to commit the public liberty, and the perpetuation of our republican institutions, to those whose ignorance of their nature and value would render them careless of their preservation, or the easy dupes of artful innovators; and hence every citizen is required to contribute in proportion to his means to the public purpose of universal education.

The Roman Catholics complain that books have been introduced into the public schools, which are injurious to them as a body. It is allowed, however, that the passages in these

books, to which such reference is made, are chiefly, if not entirely, historical; and we put it to the candour of the Common Council to say, whether any history of Europe, for the last ten centuries, could be written, which could either omit to mention the Roman Catholic Church, or mention it without recording historical facts unfavorable to that church? We assert that if all the historical facts in which the Church of Rome has taken a prominent part, could be taken from writers of her own communion, only, the incidents might be made more objectionable to the complainants, than any book to which they now object.

History itself, then, must be falsified for their accommodation; and yet they complain that the system of education adopted in the Public Schools does not teach the sinfulness of lying! They complain that no religion is taught in these schools, and declare that any, even the worst form of Christianity, would be better than none; and yet they object to the reading of the Holy Scriptures, which are the only foundation of all true religion. Is it not plain, then, that they will not be satisfied with any thing short of the total abandonment of public school instruction, or the appropriation of such portion of the public fund as they may claim, to their own sectarian purposes.

But this is not all. They have been most complaisantly offered the censorship of the books to be used in the Public Schools. The Committee to whom has been confided the management of these schools, in this city, offered to allow the Roman Catholic Bishop to expurgate from these books any thing offensive to him.

But the office was not accepted; perhaps, for the same reason that he declined to decide on the admissibility of a book of extracts from the Bible, which had been sanctioned by certain Roman Catholic Bishops in Ireland. An appeal, it seems, had gone to the Pope on the subject, and nothing could be said or done in the matter until his Holiness had decided. The Common Council of New York will therefore find that

when they shall have conceded to the Roman Catholics of this city, the selection of books for the use of the Public Schools, that these books must undergo the censorship of a foreign potentate. We hope the time is far distant when the citizens of this country will allow any foreign power to dictate to them in matters relating to either general or municipal law.

We cannot conclude this memorial without noticing one other ground on which the Roman Catholics, in their late appeal to their fellow citizens, urged their sectarian claims, and excused their conscientious objections to the Public Schools. Their creed is dear to them, it seems, because some of their ancestors have been martyrs to their faith. This was an unfortunate allusion. Did not the Roman Catholics know that they addressed many of their fellow citizens who could not recur to the memories of their own ancestors, without being reminded of the revocation of the Edict of Nantz; the massacre of Saint Bartholomew's day; the fires of Smithfield; or the crusade against the Waldenses?

We would willingly cover these scenes with the mantle of charity; and hope that our Roman Catholic fellow citizens will, in future, avoid whatever has a tendency to revive the painful remembrance.

Your memorialists had hoped that the intolerance and exclusiveness which had characterized the Roman Catholic Church in Europe, had been greatly softened under the benign influences of our civil institutions. The pertinacity with which their sectarian interests are now urged, has dissipated the illusion. We were content with their having excluded us, "ex cathedra," from all claim to heaven, for we were sure they did not possess the keys, notwithstanding their confident pretensions; nor did we complain that they would not allow us any participation in the benefits of Purgatory; for it is a place they have made for themselves, and of which they may claim the exclusive propriety; but we do protest against any appropriation of the Public School Fund

for their exclusive benefit, or for any other sectarian purposes whatever.

Assured that the Common Council will do, what it is right to do in the premises, we are, gentlemen, with great respect,

Your most obedient servants,

N. BANGS,
THOMAS E. BOND,
GEORGE PECK.

MEMORIAL AND REMONSTRANCE
OF THE
TRUSTEES OF THE PUBLIC SCHOOL SOCIETY,
AGAINST THE APPLICATION OF THE CATHOLICS,
RELATIVE TO THE SCHOOL FUND.

*To the Honorable the Board of Aldermen of the City of
New York :*

The memorial and remonstrance of the Trustees of the
Public School Society of New York respectfully .

REPRESENTS :

That your memorialists learn that a petition from the Roman Catholics of this city is now before your Honorable Body, in which they again ask for a portion of the school money in aid of the schools under their charge. After the late unanimous decision of one branch of the Municipal Government, in which the other was supposed tacitly to unite, adverse to several petitions of the same kind from religious societies, it is unexpected to your remonstrants, to be so soon placed in a position which, in their opinion, renders it necessary to oppose the application of a large and influential body of their fellow citizens. But until the confidence which has been so long reposed in them by the City Government and the public generally, is withdrawn, they feel it to be an imperious, though an unpleasant duty, to remonstrate

against what they deem a dangerous application of funds raised for the promotion of common and general education.

The subject has, however, been so fully elucidated, and ably argued, in documents now among the public records, that your remonstrants cannot hope to shed any additional light upon it. They therefore beg leave to refer your Honorable Body to Document No. 80, of the late Board of Assistant Aldermen, as containing the reasons on which your remonstrants would rely, in opposing the applications of religious societies for a portion of the School Fund. It is believed that no decision of the City Government ever met with a more general and cordial response in the public mind. And as the Roman Catholics very recently issued an address to the people of this city and State, urging at large their reasons for a separate appropriation of school money, to which your remonstrants have replied, they now present copies of said documents, which they respectfully submit to your Honorable Body, as containing matter relevant to the question under consideration.

The petition of the Roman Catholics now pending presents, nevertheless, some points, which your remonstrants feel called upon to notice.

By a misapprehension of the law in relation to persons who are conscientiously opposed to bearing arms, which is applicable to persons of every religious persuasion, they attempt to adduce an argument in favor of the prayer of their petition, and say, that they only claim the benefit of the same principle in regard to the education of their children. Now the facts are, that the law imposes a fine, or tax, as an equivalent for personal military service, and in the event of there being no property on which to levy, subjects such persons to imprisonment, and numbers are every year actually confined in the jails of this State.

With the religious opinions of the denomination of Christians referred to, your remonstrants have nothing to do. In opposing the claims of the Roman Catholic, and several

other Churches to the school money, they have confined their remarks to broad general grounds, alike applicable to all ; but the petitioners have seen fit to single out a religious society by name, and intimate, or indirectly assert, not only that their peculiar religious views lead to insubordination and contempt of parental authority, but that the Trustees of the Public Schools, who are of this denomination, by reason of their numbers, or the "controlling influence" they exert, have introduced the "same principle" into the public schools, and that their effects are manifested in the conduct of the Catholic children who have attended them. Your remonstrants feel bound, therefore, in reply, to state, that of the one hundred citizens who compose the Board of Trustees, there are only twelve of the denomination thus traduced ; and of these, six or seven accepted the situation by solicitation of the Board, for the purpose of superintending the management of the colored schools, to which object they have almost exclusively confined themselves. Of the motive that induced this extraordinary portion of the petition, your remonstrants will not trust themselves to speak ; of so much of it as conveys an idea that the Trustees who are of this religious persuasion introduce, or attempt to introduce, into the public schools their own peculiar opinions, they can only say, that no one of the numerous and serious charges brought against your remonstrants by the petitioners, is more entirely destitute of foundation in fact. If a disposition existed in any quarter, to give a sectarian bias to the minds of the children, it will readily be seen that the most successful method would be through the selection of teachers. In one of the documents now submitted to your Honorable Body, it is stated, that in appointing teachers no regard is had by the Trustees to the religious profession of the candidates, and that six or seven of the present number are Roman Catholics. From an inquiry now made, it is found that only two of the teachers belong to the Society of "Friends."

It will thus be seen, that the charge made in the petition

of the Roman Catholics, that such of their children as have attended the public schools, are generally, and at an early age, imbued with a principle, which they impute to a portion of the Trustees, falls to the ground, and is proved to be as unfounded as it is illiberal and ungenerous.

It is with regret that your remonstrants find themselves under the painful necessity of saying, that the petition of the Catholics contains garbled extracts and detached portions of some parts of their Annual Reports, in relation to religious instruction, and so arranged and commented upon as to convey a meaning directly opposite to the one intended and clearly expressed in the original documents.

The same means are resorted to, in quoting the language of the Trustees when urging the importance of using measures for inducing the poor to have their children educated. On different occasions your remonstrants have suggested to the Common Council the expediency of requiring, by legal enactment, the attendance at some "public or other daily school," of the numerous "vagrant children who roam about our streets and wharves, begging and pilfering;" and this is tortured, in the Catholic petition, into a desire of "abridging the private liberties of their fellow citizens;" and an acknowledgment, on the part of the Trustees, "that they had not the confidence of the poor."

The records of the schools will demonstrate, that the industrious and respectable portions of the laboring classes, repose entire confidence in the public school system and its Managers.

The subject of objectionable matter in the books used in the public schools, is so fully discussed in the papers now submitted to your Honorable Body, that little more would seem to be called for under this head. Finding their strenuous and long continued efforts to induce the Catholic Clergy to unite in an expurgation of the books unavailing, the Trustees commenced the work without them, and it is now nearly completed. If any thing remains, to which the peti-

tioners can take exception, no censure can, by possibility, attach to your remonstrants; and the Trustees assert, with confidence, that if any has escaped them, there is now less matter, objectionable to the Roman Catholics, to be found in the books used in the Public Schools, than in those of any other seminary of learning, either public or private, within this State.

In conclusion, your remonstrants would remark, that they have not thought it expedient, on this occasion, to enter into a detailed defence of their conduct, as regards all of the charges preferred by the Roman Catholics. Those charges are before your Honorable Body, and the Trustees will cheerfully submit to any inquiry that you may see fit to institute in relation to them; and even if it can be shown that your remonstrants are as "eminently incompetent to the superintendence of public education" as the petition of the Roman Catholics intimates, it would not, they respectfully suggest, furnish any apology for breaking down one of the most important Bulwarks of the Civil and Religious Liberties of the American People.

Should your Honorable Body decide to hear the petitioners before the collected Board, your remonstrants respectfully ask to be heard on the same occasion in reply.

ROBERT C. CORNELL,
President.

A. P. HALSEY, *Secretary.*
New York, October 3, 1840.

DOCUMENT No. 41.

BOARD OF ALDERMEN,

JANUARY 11, 1841.

Report of the Croton Aqueduct Commissioner, for the quarter ending December 31, 1840. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

**CROTON AQUEDUCT DEPARTMENT, }
JANUARY 1, 1841.**

*To the Honorable the Common Council of the City of
New York:*

In compliance with the ordinance creating this department, I herewith present a statement of the expenditures made during the quarter which has just expired, a return of the water pipes and other materials on hand, and the quantities of pipes, &c., under contract.

All of which is respectfully submitted.

H. A. NORRIS,

Croton Aqueduct Commissioner.

CROTON AQUEDUCT DEPARTMENT, }
NEW YORK, JANUARY 1, 1841. }

*Report of Expenditures from September 30 to December
31, 1840, inclusive.*

For cast iron water pipes and branches	\$67,937 85
For castings for stopcocks and hydrants	2,702 84
For labor and materials for fitting up do. ...	5,570 00
For lead for making joints of pipes laid	4,921 75
For hemp packing yarn for do.	161 83
For wood for melting lead, and carting do. ..	150 07
For cartage of pipes to and from the yard ...	2,006 25
For repaving the streets where pipes have been laid	8,180 75
For repairing sewers injured in laying pipes ..	295 15
For lumber, iron, and other materials	
For making, repairing of tools, &c.	1,009 75
For furniture, &c., &c., for office	194 85
For pay lists, including foremen and workmen on the lines and at the yard, one clerk and one draughtsman	15,096 34
	<hr/>
	\$108,227 43

*Number of the different sizes of Water Pipes and their
connections on hand, December 31, 1840.*

Pipes of 16 inch diameter.....	4,326 feet.
" " 12 " "	8,661 "
" " 10 " "	1,233 "
" " 6 " "	15,079 "
" " 4 " "	9,104 "
	<hr/>
Total number of feet.....	38,403

Branches from 16 to 4-inch diameter	.....	191
Circulars	4-inch "	..... 43
Sleeves from 12 to 4-inch	"	..... 28
Bevel hubs 12, 10, 6 and 4-in.	"	..... 49
Reducers 12, 10, 6 and 4-inch	"	..... 25
Caps 12, 10, 6 and 4-inch	"	..... 165
Stopcocks of 12-inch	"	..... 17
" " 6-inch	"	..... 42
" old kind, 2 12-in. 2 10 and 1 6-in.		5
Hydrants, new pattern	.....
" old "	.....	42
Frames and covers for stopcocks	.....	44
Stopcock castings on hand 12-inch	.....	50 sets.
" " " 6-inch	.....	9 "

Water Pipes and their connections under contract and not delivered, December 31, 1840.

Contractors' Names.	Quantities.	Sizes.
A. Ellicott & Brother	.... 20,259 feet	.... 6-inch pipes.
" "	.... 350 tons	.... 16-inch "
" "	.... 900 "	.... 20-inch "
Ward, Stillman & Co.	.... 1,000 "	.... 36-inch "
D. C. Wood	.... 4,181 feet	.... 6-inch "
A. M. Jones & Brother	.... 27,000 "	.... 6-inch "
James Robertson	.... 200	.... 6-inch stopcocks.
" "	.... 100	.... 12-inch "

DOCUMENT No. 42.

BOARD OF ALDERMEN,

JANUARY 11, 1841.

Report of the Committee on the Croton Aqueduct on the petition of John M. Bradhurst. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on the Croton Aqueduct, to whom was referred the petition of John M. Bradhurst, and the report of the Committee of the Board of Assistant Aldermen, respectfully

REPORT:

That they have considered the same, and for the reasons therein stated, recommend a concurrence in the resolution passed by that Board, December 28th, 1840.

PETER COOPER,
WM. CHAMBERLAIN.

BOARD OF ASSISTANTS,

DECEMBER 21, 1840.

The Committee on the Croton Aqueduct, to whom was referred the petition of John M. Bradhurst, for relief, respectfully

REPORT :

That they have visited the premises occupied and owned by the petitioner, and find, as stated by the petitioner, that the Commissioners have regulated that part of the avenue which is occupied by the aqueduct passing through his place some fifteen or twenty feet above the present grade of the ground, or higher than would be graded for the purpose of a highway, and for which purpose only the petitioner, with great reluctance, by the persuasion and advice of the Street Commissioner, ceded said avenue, some six or seven years since, at which time it was not known or suspected that the said avenue would be occupied by the aqueduct. And your Committee are satisfied that, in consequence of such occupancy, by the Commissioners, the petitioner has been, and is likely to be seriously damaged. First, from the high grade established to accommodate the aqueduct, greatly impairing the value of his property each side of the avenue, by leaving it some fifteen or twenty feet below such established grade.

Secondly, by interposing an unsightly barrier between his house and the river, and cutting him off from improvements that have cost much labor and expenditure of money. Thirdly, by subjecting him to great expense and vexation in maintaining his fences, and the loss of fruit, &c. by the laborers engaged on the work.

Your Committee are satisfied, that the petitioner has met with great injustice; first, from the Commissioners, for opening the Tenth avenue, by assessing him the sum of \$1,052 19, after he had ceded his land; and secondly, by the Water Commissioners in not allowing him such damages as he may have received in consequence of keeping their level grade, and which they would have undoubtedly had to do had he not ceded his land to the city for another entire purpose; and to which your Committee think he is justly entitled. With these views your Committee recommend the following resolution:

Resolved, That the Comptroller draw his warrant in favor of John M. Bradhurst for the amount of his assessment in the matter of opening the Tenth avenue.

DAVID VANDERVOORT,
MOSES G. LEONARD.

DOCUMENT No. 43.

BOARD OF ALDERMEN,

JANUARY 11, 1841.

Report of the Special Committee, on the subject of repealing the Market Laws, and refunding to the Butchers the Premiums paid by them. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Special Committee, to whom were referred the petition of the butchers in Clinton Market, who occupy premium stalls, for a return of the premiums paid therefor; and to whom were also referred the remonstrances of the butchers of Washington and Jefferson Markets, against granting the same; and the proceedings of a meeting in the Fourteenth ward, asking that the question of repealing the restrictive portions of the Market Laws, and refunding to the holders of premium stalls the premiums paid for such stalls, be submitted to the people,

REPORT.

The subject referred to your Committee excites the greatest interest in the public mind. The restrictive features of

the present market system, it appears, are disapproved by a large portion of our citizens, who regard those features as unconstitutional, oppressive and unjust; and obey them, either not at all, or with great reluctance. To so general an extent do these feelings exist, that it has become a matter of difficulty for the Corporation Attorney, with the clearest evidence of the fact, to obtain the conviction of those who daily violate the laws. The fact of violation may be proved beyond dispute, and the Jury will, very frequently, render a verdict for the defendant, under the charge of the Justice, that the Market Laws of this city, prohibiting the sale of fresh meats elsewhere than in the public markets and market places, are unconstitutional and void. Under these circumstances offenders against the laws pass unpunished, meat shops are established in almost every section of the city, and the business of the licensed butcher is consequently injured to a very great extent.

Such being the state of facts now existing, two questions, arising therefrom, are submitted to the Common Council for their decision.

1. Shall so much of the Market Laws as prohibits the sale of fresh meats elsewhere than in the public markets be repealed, and individuals be authorized to sell meats on their own premises in any part of the city?

2. Shall the premiums paid by the purchasers of premium stands in the markets, be refunded to such purchasers or their assignees?

As to the propriety of repealing the Market Laws, your Committee will express no opinion. Let the views of the Common Council be what they may on this subject, public opinion should be consulted; and the will of the majority, so far as the same can be ascertained, should be observed by their representatives in this Body. It would be impossible to ascertain the precise state of public feeling and opinion, in relation to the matter under discussion, by the ordinary means of petition and remonstrance. Every citizen is inte-

rested in the continuance or abrogation of the existing system, and as tax payers, all will be, in a greater or less degree, affected by the decision. The opinions of so many individuals can be known by one mode only—a public vote upon the subject—and to this your Committee think the Common Council should resort. Let the decision be what it may, those in favor of repealing, and those in favor of sustaining the present system, cannot complain of the result. The highest authority known to our institutions, the People themselves, will have passed upon the subject, as one affecting their own rights and interests; and all portions of the community, your Committee have no doubt, will cheerfully submit to their decision. With this view, and as a reference of the whole question to the People, at the ballot boxes, appears to be the desire of a very numerous portion of our citizens, your Committee herewith report an ordinance for that purpose.

In relation to the refunding of the premiums paid for stands, it appears to your Committee that the holders of such stands, if the market system is abrogated, have a valid equitable claim for the repayment of the premiums advanced, in proportion to the amount of injury which they may sustain by the repeal. When the system of selling premium stalls was introduced, the butchers were induced to pay very large amounts, under the impression that the Corporation would not permit fresh meats to be sold, south of Fourteenth street, elsewhere than in the public markets. This assurance was given them, at the time of the sale, by the then Chairman of the Market Committee; and in full reliance upon the authority of the Chairman to make that statement, and the will and power of the Common Council to execute the law, they bid large amounts, and paid large premiums, for the stands then purchased. Are not the ordinances prohibiting the sale of fresh meats south of Fourteenth street, elsewhere than in the public markets, and the public statement of the Chairman of the Market Committee, that those ordinances should be enforced, a part of the contract between the Corporation

and the purchasers of premium stands? It may not be a legal contract, binding the Common Council to continue the existing system, but there is certainly a moral obligation on the Common Council, in the event of the ordinances being repealed, to indemnify the butchers for their non-performance of the undertaking made by the Chairman of the Market Committee; which undertaking was part of the consideration leading to the payment of the premiums for the stands. If this view is correct, the Common Council, if not legally, are morally bound to compensate the holders of the stalls in question, for the damages which they may sustain by the repeal of the law. Your Committee are disposed to regard the refunding of the premiums as necessarily resulting from the repeal of the law. They cannot believe that the Common Council or the People, would be willing to retain in the Public Treasury, money obtained from citizens by means of agreements by the public authorities which are not to be fulfilled. Should the People, on the question being submitted to them, decide against the repeal of the Market Laws, the butchers could not expect the premiums which they have paid to be refunded. In that case, sanctioned by the express voice of the People, the existing system would be undoubtedly enforced and maintained in the fullest degree.

The Committee believe that there is but one feeling in the public mind on the subject of refunding to the butchers the premiums paid by them, in case the people should decide in favor of repealing the restrictive portions of the Market Law. To enable the people to pass upon the question entire, your Committee herewith report an ordinance to repeal such provisions of the ordinances as prohibit the sale of fresh meats elsewhere than in the public markets. Also to refund to the original purchasers of premium stands, or their representatives and assignees, the amounts of premiums paid for such stands, without interest, with the additional provision that no part of said ordinance shall take effect, unless approved by a

majority of the people of the city voting therefor, at the next charter election.

The butchers holding premium stands in Clinton Market ask not only for a return of the premiums which they have paid, but also for a payment to them of the interest thereon. This, the Committee think should not be allowed them. The holders of these stalls have derived, until within a few years past, very considerable benefits from the virtual ownership in the stands, which they procured by the payment of the premiums, and it is sufficient, as your Committee believe, to repay them the principal, in case the Market Laws should be repealed, without the interest, as a full recompense for the injury which they may sustain.

The Committee have not deemed it their duty, at this stage of the inquiry, to make any specific proposition as to the manner in which the premiums should be refunded, if that course, under the decision of the people, became necessary. This is matter that will come up for consideration after the will of our constituents has been expressed. And to enable them to pass upon the subject with a full knowledge of the facts necessary to a correct understanding of the matter, in its connection with the finances of the city, the Committee, in addition to the ordinance hereto annexed to be submitted to the people, also offer for consideration, a resolution calling upon the Comptroller for information as to the amount of the premiums it may be necessary to refund, as well as the revenues of the markets under the existing system.

The Committee have, after much consideration, arrived at the conclusion hereinbefore stated, that the whole question of repealing the Market Laws (as they are generally termed) should be submitted to the people. The health, prosperity and cleanliness of the city, and the convenience of its inhabitants, are matters of great and general importance, in which all our citizens are interested—the revenues of the city may be affected by the result—individual and public rights are

connected with the question—the public opinion is unsettled, and it is impossible to ascertain, with precision, what that opinion now is. Under these circumstances, your Committee can suggest no mode more just to the parties immediately interested, or to the people, than to refer the whole subject to that tribunal, to whose decision all must and undoubtedly will bow, without murmuring or dissatisfaction.

With these views, the annexed ordinance is respectfully submitted.

FREEMAN CAMPBELL,
PETER COOPER.

AN ORDINANCE

To repeal so much of Chapter XII. of the Revised Ordinances entitled, "Of the Public Markets," passed April 23, 1839, as prohibits the selling of fresh meats elsewhere than in the public markets and market places of the city: and to provide for refunding to butchers, holding premium stalls, the premiums paid to the Corporation therefor.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:

§ 1. Sections third and fourth of Title VIII. Chapter XII. of the Revised Ordinances, entitled "Of the Public Markets," and all parts of the said chapter which render it unlawful to sell or expose for sale, fresh meats in any part of the City of New York, other than the public markets and market places, are hereby repealed.

§ 2. Any butcher who shall be the lessee of a stall in any of the markets of the City of New York, and who shall have paid to the Mayor, Aldermen and Commonalty of said City, any premium for the good will of such stall, over and above the annual rent of the same, or the executors, administrators or assigns of such lessee, may surrender such stall to the Comptroller, in writing, at any time previous to the
 day of next, to take effect on the day
 of next: and on receiving such surrender, to be approved as to the form thereof, by the Counsel of the Corporation, the Comptroller shall pay to the lessee, or occupant of

the stall thus surrendered, the amount of premium paid by the original lessee thereof, for the good will of such stall.

§ 3. It shall not be lawful for any person to pursue the business of a butcher, or sell or expose for sale fresh meats, in any part of the city, without receiving a license to pursue such business from the Mayor, under such penalties as the Common Council may from time to time impose; and all persons so licensed, and pursuing the business of a butcher, shall be subject to such regulations as the Common Council may think proper to enact, to prevent the sale of impure and unwholesome meats, or for the prohibition of nuisances, and the preservation of the public health.

§ 4. This ordinance shall not take effect until it shall have been approved by a majority of the electors of the City of New York, at the next charter election: and the Committee on Laws and Applications to the Legislature shall forthwith apply to the Legislature of the State, for the passage of a law to submit to the people of this city, at the next charter election, whether this ordinance shall take effect and become a law or not.

Resolved, That the Comptroller report to this Board, at its next meeting, what premiums have been paid to the Corporation for butchers' stands in the public markets, stating particularly in what markets, and at what periods they were severally paid.

Resolved, That the Comptroller communicate to this Board, at its next meeting, the amounts of revenue annually received from the public markets of the city during the last ten years, particularly designating the different sources of revenue in each market, and the amount annually received from each source.

DOCUMENT NO. 44.

BOARD OF ALDERMEN,

JANUARY 11, 1841.

Communication from the Comptroller, enclosing an estimate of the current Expenditures and Receipts for 1841. Referred to the Finance Committee and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

COMPTROLLER'S OFFICE, }
December 1840. }

To the Honorable the Common Council:

GENTLEMEN—In presenting, pursuant to law, this estimate of the receipts and disbursements for the year 1841, it gives me pleasure to be enabled to state, that the ordinary expenses for the current year, will not exceed the revenues; and that there appears to be no reason to anticipate an increased expenditure during the ensuing year; unless the onerous expense of maintaining the Registry Law, and of assuming the claims of contractors for regulating streets and filling low grounds, is to be assessed upon the City. Trea-

surv: in which case the amount of the year's disbursements will be swelled about one hundred and fifty thousand dollars. The cost of extending the Lunatic Asylum on the original plan as proposed in the Board of Aldermen is not included in this estimate, this department having no means at present of knowing how much the Corporation intend expending for this purpose. The costs, however, should be now agreed upon, and added to this estimate. By the schedules annexed it will appear that the gross receipts, exclusive of taxes, applicable to the ordinary current expenditure, are estimated at three hundred thousand dollars. That the gross expenditures, exclusive of the items above mentioned, will amount to one million, four hundred thousand dollars, and that the amount to be levied by tax may be, therefore, estimated at eleven hundred thousand dollars, for which the authority of the State Legislature is to be obtained. Notwithstanding the city taxes on ordinary account will, for the next year, by this estimate continue to be lighter than they have been for several years previous to this, it is believed by the undersigned, that several of the items of estimated expenditure in the annexed schedule can yet be greatly reduced by the intervention of the City Legislature. Among these may be enumerated "cleaning streets," "repairs of accepted streets," "of roads and avenues," "of wharves," and other repairs, performed in the Corporation yard; these being the principal accounts in which the service is not done by contract. It will be seen by reference to my last annual estimate, that the expenditures on these accounts have exceeded that estimate, although the facts on which it was made were furnished by the heads of the several departments. The necessity for such excess, and the extent of such expenditure under the control of these departments were, for the most part, first made known to the City Government at the time of demanding the additional appropriation, thus practically placing the amount of these expenditures beyond its control. The remedy for this, can be effected only by a ra-

dical change of system, or by dividing the appropriation into monthly items, and declaring that no expenditure by a department beyond such monthly limit shall be ratified by the Corporation. The latter course the undersigned recommends, until the Common Council can examine and agree upon some other system of expenditures on the accounts entrusted to the discretion of its officers and Executive Committees. The undersigned cannot close this communication without adverting to the large amount to be paid the ensuing year for interest on the Water Loan, and directing the City Legislature to the policy of raising a part of this amount by annual taxation, instead of adding it to the water debt. There can now be no doubt that the works will, at least for several years, fail to realize to the Treasury the interest of their cost, and that for the earlier years the deficiency must be large. The imposition of a tax for interest, therefore, during the coming year, although it would place a large burden upon the community, seems to be dictated by a prudent and sound policy, though this burden may not be greater than should have been anticipated from the magnitude of the work the city has undertaken.

The Comptroller, by the advice of the Finance Committee of both Boards of the Common Council, also submits an ordinance for the purpose of making temporary appropriations for the year 1841, until the special appropriations for that year shall be made.

Respectfully submitted.

ALFRED A. SMITH,
Comptroller.

ESTIMATE FOR 1841.

Heads of Accounts.	Receipts.	Expenditures.
Alms House.....	\$12,000	\$250,000
Board of Health.....		5,500
County Contingencies		30,000
Courts.....	5,000	44,000
Coroner's Fees.....		5,000
Charities.....		7,000
Cleaning Streets	40,000	156,000
Commutation of Alien Passengers	15,000	100
Charges on Arrears of Taxes.....		500
Cleaning Public Docks and Slips.		10,000
Building and Repairing do. do.		75,000
Elections		7,000
Fire Department, if cleaners are abolished		45,000
House of Refuge.....		4,000
Intestate Estates		2,000
Interest on Taxes, and Arrears of Taxes	20,000	
Interest on City Stocks and Bonds		150,000
Justices' Courts.....	9,000	15,000
Lands and Places.....		11,000
Lamps and Gas		120,000
Markets.....		20,000
Mayoralty Fees	1,200	100
Reservoir		6,000
Penalties.....	1,000	3,000
Printing and Stationery.....		20,000
Police	6,000	38,000
Amounts carried forward..		\$109,200
		\$1,024,200

or nearly 9 per cent. This excess of mortality in males, is observable at every period of life, except between the ages of 15 and 25, and after the age of 60, at which periods the excess of mortality is on the side of the females.

The annual rate of mortality in the city, from all causes, is about one to 34 in colored persons, and one to 40 among the whites.

The greatest number of interments occur during the months of July, August and September: the fewest, during April, May and June. The deaths from diseases of the respiratory organs, have somewhat increased during the past year, and average about one third of the whole. Of pulmonary consumption, the deaths during the year, amounted to 1296, being 19 less than for the year preceding, and between one-sixth and one-seventh of the whole. Of the deaths by consumption, 611, or about one in $9\frac{1}{2}$ of all the deaths, occurred among the native white inhabitants; 136, or about one in $3\frac{1}{2}$ occurred among colored persons; and 549, or about one in $3\frac{1}{2}$ in white persons of foreign birth. The facts stated in this report and the accompanying tables, are drawn from the interments, and not from the actual number of deaths occurring in the city. Our existing laws do not furnish the means of obtaining the exact annual amount of deaths, and in order to obtain this, further legislation is necessary. Of the interments included in this report, 156 were of persons that had died elsewhere, and been brought to the city for burial. The number of persons that have died in the city and been taken elsewhere for burial cannot be ascertained, but it must in all probability, have been greater than the number of those brought from other places.

Respectfully submitted, by
WILLIAM A WALTERS,
City Inspector.

Heads of Accounts.	Receipts.	Expenditures.
Amounts brought forward...	\$109,200	\$1,024,200
Real Estate.....		4,000
Roads and Avenues.....		45,000
Repairs and Supplies		20,000
Salaries.....		60,000
Assessments for Streets Regulating &c.		5,000
Tavern and Excise Licences.....	30,000	2,000
Vendue Sales.....	10,000	
Watch.....		234,000
Rents.....	150,000	
Repairs to Wells and Pumps.....		5,000
	<hr/>	<hr/>
	\$299,200	\$1,399,200
		299,200
		<hr/>
Deficiency to be raised by tax		\$1,100,000

Extra Expenditures.

Elections.....	53,000
Assuming claims of Contractors	70,000
Lunatic Asylum	27,000
	<hr/>
	\$150,000

Expenditures already provided for.

Public Schools, Clothing, &c.....	\$100,000
Levying Tax.....	13,000
Errors and Delinquencies.....	500
Floating Debt Redemption	50,000
Bonds Payable.....	636,500
	<hr/>
	\$800,000

Heads of Accounts.	Receipts.	Expenditures.
<i>Expenditures on Trust Account.</i>		
Streets Opening.....		\$ 130,000
Streets Paving.....		160,000
Water Contracts		2,000,000
Water Pipes.....		500,000
Water Loan Interest		500,000
Wells and Pumps		6,000
Charges on Arrears of Assessments		10,000
Charges on Arrears of Taxes.....		10,000
Interest on Opening Streets.....		25,000
Interest on Paving Streets		12,000
Interest on Liens on Lots.....		500
Interest on Fencing Lots		500
Cleaning Docks and Slips		15,000
Fencing Lots.....		10,000
Interest on Wells and Pumps		500
		<hr/>
		\$3,379,500
Street Opening Assessment Fund.....		406,000

DOCUMENT No. 45.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

Report of the Law Committee on the Petition of a large number of Merchants for a repeal of certain sections of the Fire Laws in relation to Gunpowder.

SAMUEL J. WILLIS, CLERK.

The Law Committee of the Board of Aldermen, to whom was referred the petition of a large number of merchants for a repeal of certain sections of the Fire Laws in relation to gunpowder, respectfully

REPORT:

That the petitioners have set forth, that for all the purposes of the import and export, as well as the retail trade, the present law is sufficient; but for the purpose of supplying the merchants in the country, the requirements of the present law must be subject to daily violations, or this portion of the trade must be abandoned.

For the remedy to this evil, the petitioners have presented the draft of a law, which they propose for the consideration

of the Common Council and the Legislature. Several gentlemen have attended upon the Committee, and offered such explanations as they believed might be important to a correct understanding of the object which they have in view.

Your Committee have read the petition with some care, and find that the principal reasons which can probably be urged in favor of the application, are very fully spread out in the petition: your Committee beg leave therefore, to refer to it for further information. Among other reasons they allege, that the proper amendment would enable them to pursue the course of their regular business, and preserve the law inviolable; that no evils or dangers would occur from it, either to the persons or property of the community, but on the contrary would give greater security to public safety.

Your Committee are inclined to think, that such an amendment to the Law would not be unreasonable.

They submit the following resolution:

Resolved, That the Counsel to the Corporation cause a suitable memorial to be presented to the Legislature, in favor of the passage of a law, of which the annexed is a copy.

C. S. WOODHULL,

JOSIAH RICH,

JAMES FERRIS,

Committee on Laws, &c.

PETITION

OF A

Large Number of Merchants

FOR A REPEAL OF CERTAIN SECTIONS OF THE FIRE LAWS

IN RELATION TO GUNPOWDER.

*To the Honorable the Common Council of the City and
County of New York:*

The petition of the undersigned, dealers in gunpowder, assuming that the laws, from time to time passed by the Legislature of the State of New York, for the prevention of fires in the City of New York, are so passed and enacted at the suggestion, and in conformity with the views of your Honorable Body, respectfully represents :

That the article of gunpowder, which is an important commodity in the trade of said city, is so restricted by the 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d 33d, 34th, 35th and 36th sections of "An Act to amend the Acts heretofore passed for the prevention of fires in the City of New York, passed April 20, 1830," as to prohibit the dealing in it by that portion of traders who sell their goods to the merchants of the interior of the country, and of whose business this article is a legitimate part. And your petitioners, firmly believing that, under certain modified restrictions, the law may be so arranged as to not impair the public safety, at the same time to afford the trader the means of his just pursuits

without a violation of the law, they respectfully solicit your aid in an appeal to the Legislature for such changes in the said law as, upon due investigation by your Honorable Body, may seem to you equitable and just.

For all the purposes of the import and export, as well as the retail trade, the present law may not be evaded; but for the purposes of the jobbing trade, the requirements of the law must submit to daily violation, or this part of the trade must be abandoned. On reference to the law, you will observe that sections 24, 25 and 26, make it unlawful for any person or persons to have or keep more than twenty-eight pounds of gunpowder in any one house, store, ship, boat, &c., south of Fourteenth street; and requires this quantity to be divided in four parcels, of not exceeding seven pounds each; and such divisions to be kept in stone jugs, or tin canisters. The penalty for a violation of these requirements brings forfeiture of the powder to the Fire Department, and a fine of one dollar and twenty-five cents per pound for each pound of gunpowder so forfeited. Section 30 makes it lawful for any Fire Warden to seize on any gunpowder found in violation of the law, in the day time, for the benefit of the Fire Department.

The business of the jobber is never to divide the contents of the original package, but in almost every assorted bill of goods he sells, are included one or two kegs of gunpowder, which are ordered from the magazine on the day of shipment, and generally packed up in casks with coffee, spice or pepper, in order to render its transportation perfectly safe. It will at once be perceived that, in these cases, this article cannot be started out of the original packages; and if, for the purposes of the trade, the convenience and expense did not forbid it, the additional hazard, attendant upon opening the kegs and emptying the powder, should. It is also inconsistent to suppose, that a vessel lying at the wharf receiving freight, could haul off three hundred yards to receive a keg of powder.

Your petitioners would, in this view of the case, suggest a change in, or an addition to the law, by which it would be lawful for a trader to receive in his warehouse small quantities, say in no case to exceed five quarter casks at one time, of gunpowder, for the purpose of packing in additional packages, or for delivery, but liable to all the present penalties if retained in such warehouse more than two hours between the rising and setting of the sun. And further, that the river and coasting vessels may be permitted, on the last day of their lying at the wharf, to receive the article on freight. Said vessels and their owners to be subject to the present penalties of the law, if they remain within three hundred yards of the wharf after sunset, any day, with gunpowder on board.

Your petitioners would further represent, that although the preservation of the insurance of the merchant is an unbounded safeguard to the public, and though no damage has ever occurred to their knowledge, to person or property in the City of New York, from the dealing in gunpowder, yet they do not desire any mitigation of the heavy penalties consequent upon the violations of a law; neither do they desire that the law in question should be deprived of any of its wholesome guards for the public safety; but retaining those guards, they solicit your aid in the procurement of such a change as will allow them, with all possible prudence, to pursue the course of their regular business, and preserve the law inviolate.

Your petitioners ask leave to state to your Honorable Body, that the foregoing is a petition in all respects like one presented to the Honorable the Common Council of this City, in the Winter of 1834-5; which, upon reference to "Document No. 51" of that year, you will find was received, referred, and reported upon in the Board of Aldermen as follows, to wit: "The Law Committee, having considered the petition of the dealers in gunpowder, for the purpose of effecting an amendment, through the medium of the Legisla-

ture, to that part of 'An Act to amend the Acts heretofore passed, for the prevention of fires in the City of New York, passed April 20, 1830,' which relates to said article of gun-powder, and deeming the nature of the petition to be equitable and just, in conformity therewith the following draft of a law is recommended, amendatory of the Act aforesaid. They also recommend the adoption of the following resolution :

"*Resolved*, That the Counsel of the Board cause the within draft of a law to be presented to the Legislature, together with a suitable petition on that subject.

(Signed.)

"SILAS M. STILWELL,
"G. HOPKINS."

You will also find, upon further reference to "Document No. 51" aforesaid, the action of the Board of Assistant Aldermen as follows: "The Law Committee, to whom was referred the annexed documents and report of the Law Committee of the Board of Aldermen, respectfully report, that they have considered the subject embraced in the petition, and the draft of the proposed law appended thereto, and are satisfied of the propriety of granting the prayer of the petitioners. They therefore recommend a concurrence in the resolution proposed by the Committee, and passed by the Board of Aldermen.

Respectfully submitted.

(Signed.)

"HORACE HOLDEN, }
"F. A. TALLMADGE, } *Law*
"WM. SAM'L JOHNSON, } *Committee.*

"*March 30, 1835.*"

Your petitioners would further ask leave to present to your notice the draft of the amendatory Act then proposed, and referred to in the foregoing reports. It is as follows :

"AN ACT

"To amend an Act entitled 'An Act to amend the Acts heretofore passed for the prevention of Fires in the City of New York.' Passed April 20, 1830.

"The People of the State of New York, represented in Senate and Assembly, do enact as follows :

"Section 1. It shall not be lawful for any person or persons to have or keep, otherwise than subject to the requirements and penalties of 'An Act to amend the Acts heretofore passed for the prevention of fires in the City of New York, passed April 20, 1830,' in conjunction with this Act, any gunpowder in any house, store, building, or other place in the City of New York, to the southward of a line running through the centre of Twenty-eighth street.

"Section 2. It shall be lawful for the dealers in gunpowder in the City of New York, to receive this article in their stores or warehouses, in the day time only, for packing in additional packages and immediate delivery; but subject to all the penalties of section 26 of said Act, passed April 20, 1830, if permitted to remain in such stores or warehouses more than two hours in the day time as aforesaid. And it shall be lawful to transport kegs of gunpowder through the city aforesaid, in canvass bags, made and kept strong and tight.

"Section 3. It shall be lawful for river and coasting vessels to receive gunpowder on freight, on the last day of their lying at the wharf in the City of New York; said vessels and the owners thereof to be subject to all the penalties of section 26 of the aforesaid Act of April 20, 1830, if they remain within three hundred yards of the wharf after sunset any day, with gunpowder on board.

"Section 4. The aforesaid Act of April 20, 1830, in all

its parts and requirements, which are not inconsistent with the provisions of this Act, shall, and the same does hereby remain in full force and effect."

Your petitioners would further represent, that experience, since the foregoing draft was prepared, now a period of five years and upwards, has confirmed their belief that such an amendment is greatly needed, and that no evils nor dangers would occur from it to the persons or property of the community; on the contrary, that it would give greater security to public safety. In the present law the requirement is, that kegs of gunpowder shall be transported through the city in *leather bags*. In lieu of them, your petitioners have proposed, in the 2d Section of the amended Act, to substitute "cavass bags, made and kept strong and tight," believing the latter can be kept in better order than leather, and afford greater safety. And in the draft acted upon and passed by the Board of Aldermen, in 1835, the prohibition, in the first Section, extended north no further than the centre of Fifteenth street. Your petitioners believing the growth of the city now demands the provision should extend further, have left a blank in the 1st Section of the proposed amendment, to be filled at the pleasure of your Honorable Body.

Your petitioners would further represent, that formerly in cases of seizure of gunpowder, the law gave a right of appeal to a court composed of the Mayor of the City and two Aldermen; that in some one of the latter amendments to the laws this right has been taken away, by which a fire warden is endowed with the right to seize and take away the property, being his own judge and juror, without any redress for the party aggrieved, except in litigations in the law. Your petitioners would therefore respectfully solicit, that your Honorable Body, will embody in the proposed amendment to the law, the re-establishment of the Court aforesaid, giving to it such powers and discretions, as may seem to you equitable and just, in cases of appeals, should they be made for the recovery of gunpowder under seizure.

Richard S. Williams & Co.	Compten & Co.
Smith, Mills & Co.	Morris Earle.
Cary & Co.	Bird & Howell.
Edward G. Faile & Co.	Jno. J. Moore & Co.
W. & S. Woodhull.	David Wood.
Oliver Corwin & Co.	Samuel Kip.
Mitchell & Co.	G. W. Whiting.
Sharp & Williams.	Hustace & Lane.
Lee, Daton & Miller.	Bucklin N. Crane.
Ralph Mead & Co.	Isaac S. Jaques.
Mead, Rogers & Co.	Joel Conklin.
Milford, Martin & Co.	S. R. Beebe & Broths.
Rapelye & Purdy.	J. & A. Lowery.
Cobb & Warner.	Smith & Fitch.
Alfred R. Mount.	Harper & Co.
A. G. Valentine & Bartholomew.	Wood, Grant & Co.
Henry Waring & Son.	Herbert & Olmsted.
Henry Suydam & Son.	P. H. & W. H. Titus.
Craig & Dellicker.	Herriman, Nash & Co.
John Toote.	J. H. Brower.
Alexander Denison.	Ezra Wheeler.
Conover & Labagh.	Geo. H. Hutchins.
Small, Williams & Co.	Wilson & Cobb.
Wisner, Gale & Co.	Hoffman & Bailey.
Stanton & Co.	Sackett & Brothers.
Kent & Kinnan.	John Johnson & Son.
Sturges & Co.	Taylor & Griffith.
William L. Roff.	Warren & Brintnall.
Ayers & Tunis.	Denison & Beldens.
S. S. Wyckoff & Co.	Platt Brush.
C. & L. Denison & Co.	Walter W. Concklin.
W. Kenble.	Hopkins & Howley.
Henry Wyckoff & Co.	A. Hubbard & Co.
Henry N. Morgan & Co.	Sterling & Wade.
Arcalarius & Bennett.	Thomas Underhill.
Thomas H. Mills & Son.	Benjamin & Bodine.

Hoppock & Co.	Justus E. Earle & Co.
Vanschack & Hasbrouck.	Berry & Palmer.
Jno. & Jas. Vannostrand & Co.	Crook, Fowks & Co.
P. G. Arcularius & Co.	Suydam & Co.
Charles J. Howell.	Reed & Cotheal.
McDougal, Semonson and	S. R. Paynter.
Knapp.	P. & H. Vanness.
Nichols, Bergh & Hamlin.	A. V. Winans.
Wm. H. Chase & Co.	Wetmore, Benedict & Co.
P. C. & S. Mathews.	Taylor & Ritch.
Kershow & Knapp.	Jessup & Beers.
Henry Barger.	Raynor & Pond.
H. Vreeland & Co.	Coggshall & Tappin.
D. Demary & Son.	John Oothout.
Besson & Brouwer.	Geo. M. K. Underhill.
W. H. & E. Vankleeck.	Ira B. Smith.
Hawkins & Willimson.	Cooper & Horton.
Stephen Wray.	H. P. Havens.
Gibney & Wynkoop.	Townsend Hendrickson.
Jas. B. Nicholson.	Jas. Avery & Son.
Isaac Van Ness.	Johnson, Son & Co.
Chs. & R. Wardell.	P. J. Nevins & Son.
Phoenix & Co.	Suydam, Sage & Co.
Suydam & Blydenburgh.	Slate, Gardiner & Howell.
Luce & Waterbury.	Medad Platt.
Burdick & Wright.	John D. Cocks & Co.
Andrew Brown & Co.	

AN ACT

To amend an Act entitled 'An Act to amend the Acts heretofore passed for the prevention of Fires in the City of New York.' Passed April 20, 1830.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

Section 1. It shall not be lawful for any person or persons to have or keep, otherwise than subject to the requirements and penalties of 'An Act to amend the Acts heretofore passed for the prevention of fires in the City of New York, passed April 20, 1830,' in conjunction with this Act, any gunpowder in any house, store, building, or other place in the City of New York, to the southward of a line running through the centre of Twenty-eighth street.

Section 2. It shall be lawful for the dealers in gunpowder in the City of New York, to receive this article in their stores or warehouses, in the day time only, for packing in additional packages and immediate delivery; but subject to all the penalties of section 26 of said Act, passed April 20, 1830, if permitted to remain in such stores or warehouses more than two hours in the day time as aforesaid. And it shall be lawful to transport kegs of gunpowder through the city aforesaid, in canvass bags, made and kept strong and tight. *Provided always*, that such packages shall be stamped or marked "*Gunpowder*," in conspicuous letters, on every such package, under the penalty of two hundred and fifty dollars for each and every neglect.

Section 3. It shall be lawful for river and coasting vessels to receive gunpowder on freight, on the last day of their lying at the wharf in the City of New York ; said vessels and the owners thereof to be subject to all the penalties of section 26 of the aforesaid Act of April 20, 1830, if they remain within three hundred yards of the wharf after sunset any day, with gunpowder on board.

Section 4. The aforesaid Act of April 20, 1830, in all its parts and requirements, which are not inconsistent with the provisions of this Act, shall, and the same does hereby remain in full force and effect."

DOCUMENT No. 46.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

Report of the Finance Committee, on the Communication of the Comptroller, in relation to the Revenues and Disbursements for 1841 ; together with a Programme of a Law, to be presented to the Legislature for authority to raise money by tax; an Ordinance making appropriations for the current expenses for 1841, and an Ordinance making appropriations for other than the current expenses for the year 1841. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Finance, to whom was referred the annual estimate of the Comptroller, of the revenues and disbursements for the year 1841, respectfully

REPORT :

That they have examined, in detail, the estimates referred, and have prepared the accompanying resolution and ordinances for the consideration of the Common Council. They are of opinion that the City Government can be conducted through the current year without an increase of taxation,

except in the instances of election expenses, and the proposed extension of the Lunatic Asylum, and the assumption of certain claims of street contractors; all of which may be considered of an extra character, and the necessity of providing for them may pass away.

The appropriations they recommend they believe to be sufficient to sustain the interests the Common Council has been constituted to maintain. For the purpose of a more direct supervision of some of the disbursements, they have recommended monthly appropriations. A rigid economy in all our legislation is now particularly required, and if constantly kept in view, while legislating upon the manifold subjects which usually press upon our attention, the estimates will be found to be ample. On some of the accounts the allowance is so large as to admonish us of a strong necessity to revise such departments as call for so great an expenditure.

The appropriation for the Fire Department is large. A more economical arrangement cannot well be carried into effect until the Croton is introduced into the city, when the new facilities it will afford will enable the city to dispense with its present organization altogether. Any new organization, previous to that period, must be adapted to our present position, and, however excellent, must yield to many modifications at that time.

In the tax bill proposed, your Committee provide for a change of principle in relation to delinquent taxes, which have heretofore been re-assessed upon the wards respectively, and not collectively.

Respectfully submitted.

WILLIAM CHAMBERLAIN,
EGBERT BENSON,
PETER COOPER.

Resolved, That application be made to the Legislature of the State, at its present session, for authority to raise by tax, the amount named, and in the manner proposed in the annexed programme of a law, and that the Counsel cause a suitable Memorial to be presented to the Legislature to that effect.

PROGRAMME OF A LAW.

The Mayor, Recorder and Aldermen of the City of New York, as the Supervisors of the City and County of New York, of whom the Mayor or Recorder shall be one, are hereby empowered, as soon as conveniently may be after the passage of this Act, to order and cause to be raised by tax, on the estates, real and personal, of the freeholders and inhabitants of, and situated within the said city, and to be collected, a sum not exceeding seven hundred and forty-six thousand dollars, to be applied towards defraying the various contingent expenses, properly chargeable to the said city and county, and such expenses as the Mayor, Aldermen and Commonalty of the City of New York may in any manner sustain, or be put to by law; and also such further sum, by a tax as aforesaid, as is required by law to be raised by tax in the said city, for the support of Common Schools, and as may be necessary for supplying the deficiency of taxes upon any and every one of the wards of the said city, imposed or laid during the year one thousand eight hundred and forty, owing to the insolvency of the Collectors of the said wards, or any or either of them and their sureties, or their inability to collect the said tax, and also for defraying the whole of the expenses for assessing and collecting the taxes to be

raised as aforesaid, (such deficiencies owing to the insolvency of the Collectors or their sureties however, to be assessed on the estates, real and personal, of the freeholders and inhabitants of, and situated within the wards, respectively, where they shall happen, as aforesaid :) and also such further sum not exceeding two hundred thousand dollars, by tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within the City of New York and County of New York, sixty thousand dollars, to be applied towards defraying the expenses of holding elections in said city, to wit : the election in November, 1840, and the elections in April and November, 1841, and the balance of said sum, to wit : one hundred and forty thousand dollars, for the building and extending the alms-house establishment of the City of New York. And, also, a further sum, not exceeding two hundred and thirty-four thousand dollars, by tax on the estates, real and personal, of the freeholders and inhabitants of, and situated within that part of the City of New York, which may be designated by an ordinance or resolution of the Common Council of the said city, as the "watch district," to be applied towards defraying the expenses of watching and guarding such part of the said city ; and also, a further sum not exceeding one hundred and twenty thousand dollars, by a tax on the estates, real and personal of the freeholders and inhabitants of, and situated within that part of the City of New York, which may be designated by an ordinance or resolution of the said Common Council, as the "lamp district," to be applied towards defraying the expenses of lighting such part of the said city, last mentioned ; and also, such further sum by tax, as aforesaid, as may be necessary for supplying the deficiencies of taxes upon all that part of the city, constituting the watch and lamp districts, during the year one thousand eight hundred and forty, owing to the insolvencies of the collectors of any of the wards of the said city and their sureties, or their inability to collect the said tax, and also for defraying the

expenses of assisting and collecting said taxes; such deficiencies arising from such insolvencies however to be assessed upon the estates, real and personal, of the freeholders and inhabitants of, and within the said wards, respectively, where they shall happen as aforesaid.

The said several sums of money shall be assessed and collected in manner provided by law for the assessment and collection of taxes within this State, except so far as the same may be contrary to the provisions contained and referred to in the Act entitled "An Act respecting the collection of taxes in the City of New York," passed April sixth, eighteen hundred and twenty-five, and in the Act to amend the same, passed April twentieth, eighteen hundred and thirty: also, in the fourth section of the Act entitled "An Act to enable the Mayor, Aldermen, and Recorder of the City of New York, to raise money by tax," passed March tenth, eighteen hundred and twenty: also in the Act entitled "An Act authorizing a percentage to be added to unpaid taxes in the City of New York," passed April thirteenth, eighteen hundred and thirty-five; and also in the Act entitled "An Act to amend the Acts respecting the collection of taxes in the City of New York," passed April thirteenth, eighteen hundred and thirty-nine, which said provisions, so far as they relate to the assessment and collection of all or any taxes in the City of New York, are hereby declared to be in full force and effect; and each person's tax in every separate ward of the said city shall be collected in one payment, and the moneys so collected shall be paid into the hands of the Treasurer or Chamberlain of said City, at such times and in such manner as directed by law.

AN ORDINANCE

MAKING APPROPRIATIONS FOR THE CURRENT EXPENDITURES OF THE CORPORATION, FOR THE YEAR 1841.

The Mayor, Aldermen and Commonalty of the City of New York, to defray the expenses of the City and County of New York, for the year one thousand eight hundred and forty-one, do ordain as follows :

That the following sums be, and the same are hereby appropriated, under the heads of accounts herein respectively named :

Alms House	\$250,000
Board of Health	5,500
County Contingencies	30,000
Courts	40,000
Coroner's Fees	5,000
Charities	7,000
Cleaning streets	141,500

For the month of January, \$12,000

"	"	February,	11,000
"	"	March,	15,500
"	"	April,	15,500
"	"	May,	13,000
"	"	June,	12,000
"	"	July,	12,000
"	"	August	11,500

For the month of September, \$11,000

“ “ October, 9,500

“ “ November, 9,500

“ “ December, 9,000

Commutation of Alien Passengers	\$ 100
Charges on Arrears of Taxes	500
Cleaning Public Docks and Slips	10,000
Building Public Docks and Slips,	50,000
Repairing Public Docks and Slips (monthly) to be apportioned	15,000
Elections	7,000
Registration of Voters	53,000
Fire Department	45,000

Roads and Avenues, January, to be apportioned by Committee.

“ “ February, “ “	
“ “ March, “ “	
“ “ April, “ “	
“ “ May, “ “	
“ “ June, “ “	
“ “ July, “ “	
“ “ August, “ “	
“ “ September, “ “	
“ “ October, “ “	
“ “ November, “ “	
“ “ December	\$ 35,000

House of Refuge	4,000
Intestate Estates	1,800
Interest on City Stocks and Bonds	150,000
Justices' Courts	15,000
Lands and Places (monthly)	10,000
Lamps and Gas	120,000
Lunatic Asylum	
Markets	14,500
Mayoralty Fees	100

Reservoir	\$ 6,000
Penalties	3,000
Printing and Stationery	20,000
Police	35,000
Real Estate Assessments	5,000
Repairs and Supplies	28,000

January, to be apportioned by Committee
on Public Buildings.

February,	"	"
March,	"	"
April,	"	"
May,	"	"
June,	"	"
July,	"	"
August,	"	"
September,	"	"
October,	"	"
November,	"	"
December,	"	"

Salaries.....	\$ 60,000
Tavern and Excise Licenses.....	1,200
Watch	234,000
Street Expenses.....	40,000
Public Schools	95,000
Levyng Tax.....	15,000
Errors and Delinquencies	500
Expenses of School Commissioners	500

AN ORDINANCE

Making appropriations for other than the Ordinary

CURRENT EXPENDITURES OF THE CORPORATION

FOR THE YEAR 1841.

*The Mayor, Aldermen and Commonalty of the City of
New York, in Common Council convened, do ordain
as follows:*

That the following sums be, and the same are hereby appropriated for the payment of claims under the heads of accounts herein respectively named.

Streets Opening.....	\$ 130,000
Streets Regulating	160,000
Liens on Lots	4,000
Wells and Pumps	6,000
Fencing Lots.....	10,000
Water Contracts	2,000,000
Water Pipes.....	500,000
Water Loan Interest	500,000
Opening Streets Interest.....	25,000
Regulating Streets, &c. Interest.....	12,000
Fencing Lots Interest	500
Wells and Pumps Interest	500
Cleaning Docks and Slips	15,000
Streets Opening Assessment Fund	406,000
Floating Debt Redemption	50,000
Fire Indemnity Debt Redemption	25,000
City Debt Redemption	630,000
Charges on Arrears of Assessments	10,000
Charges on Arrears of Taxes	10,000

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AMERICAN MEDICAL ASSOCIATION

Published Weekly, except on Sundays and Public Holidays

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DOCUMENT NO. 47.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

*Annual Report of the City Inspector, of the number of
interments in the City of New York, for the year 1840.
Laid on the table and ordered to be printed.*

SAMUEL J. WILLIS, CLERK.

To the Honorable the Common Council:

THE undersigned presents the Annual Report of Interments in the City and County of New York, for the year one thousand eight hundred and forty.

WILLIAM A. WALTERS,

City Inspector.

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NEW YORK
1911

THE INTERMENTS WERE IN THE FOLLOWING
BURIAL GROUNDS:

African	164
Associate	16
Baptist	139
Catholic	2914
Dutch Reformed	261
Friends	39
German	159
Hebrew	51
Marble Cemeteries	200
Methodist	1505
Presbyterian	918
Protestant Episcopal	381
Potters Field.....	1727

From the returns there died at the

Alms House, Bellevue.....	274
Alms House, Hospital	339
Penitentiary Hospital, Blackwell's Island	59
Small Pox Hospital	45
Long Island Farms and Hospital	209
Lunatic Asylum, Blackwell's Island ...	38
City Prison	21
New York Hospital	139
Orphan Asylum	4
Long Island	28
West Chester	36
New Jersey.....	51
Rockland County.....	14
Staten Island.....	20
Lying-in Asylum.....	15

TABLES,

Showing the White Population of this City, of each sex, at different periods of life; and also, the Mortality during the past year, of each sex, at the same periods.

White.		Males.	hs.	White.		Females.	Deaths.
Under 5 Years,	Under 5 Years,	22,929	2,029 or 1 in 11	Under 5 Years,	23,064	1,707 or 1 in 13	13
Between 5 and 10	Between 5 and 10	15,019	179 or 1 in 83	Between 5 and 10	16,113	157 or 1 in 102	102
" 10 " 20	" 10 " 20	25,062	113 or 1 in 221	" 10 " 20	30,366	138 or 1 in 220	220
" 20 " 30	" 20 " 30	36,041	40 or 1 in 89	" 20 " 30	40,658	438 or 1 in 92	92
" 30 " 40	" 30 " 40	25,069	4 or 1 in 53	" 30 " 40	22,248	302 or 1 in 73	73
" 40 " 50	" 40 " 50	10,882	399 or 1 in 27	" 40 " 50	10,895	217 or 1 in 50	50
" 50 " 60	" 50 " 60	4,690	196 or 1 in 23	" 50 " 60	5,731	141 or 1 in 40	40
" 60 " 70	" 60 " 70	2,180	119 or 1 in 18	" 60 " 70	3,042	122 or 1 in 24	24
" 70 " 80	" 70 " 80	724	81 or 1 in 8	" 70 " 80	1,203	97 or 1 in 12	12
" 80 " 90	" 80 " 90	169	32 or 1 in 5	" 80 " 90	312	43 or 1 in 7	7
" 90 " 100	" 90 " 100	26	3 or 1 in 8	" 90 " 100	43	14 or 1 in 3	3
" 100 & up'd.	" 100 & up'd.	3	1 or 1 in 3	" 100 & up'd.	4	1 or 1 in 4	4
Total Males ... 142,794	Total Males ... 142,794	4,020 or 1 in 35½ of the male population.		Total Females ... 153,679	3,377 or 1 in 45½ of the female population.		

REMARKS.

The number of interments within the City, during the year 1840, including 606 stillborn infants, was 8474, being an increase of 521 on the interments of the year preceding. Of these, 4607 were males, and 3867 were females. Of the males, 4357 were white, and 250 were colored persons. Of the females, 3617 were white, and 250 were colored. The increase of interments during the past year is chiefly attributable to the prevalence of eruptive fevers. The increase on these diseases alone, amount to 450, viz :—in Small Pox, 164 ; Scarlet Fever, 233 ; Measles, 53. The whole number of deaths from small pox, amounted to 232, of which number, 132 were among children under five years old, and 29 were among colored persons. The great mortality from this disease among children and colored persons, may probably be attributed to the neglect of vaccination. Of the whole number of deaths, excluding stillborn infants, 3976, or more than fifty per cent. occurred among children under five years old. The increasing mortality, during infancy and childhood, forms a striking feature in the annual reports for several years past, and appears to hold some ratio with the increase of population in this city. Thus, in 1810, it averaged 32 per cent. ; in 1820, it amounted to 38 per cent. ; in 1830, to 44 per cent. ; and in 1840, to fifty per cent. The mortality among our foreign population is materially greater than among natives. Of 3540 deaths of persons over the age of ten years, 1817, or 51½ per cent. were foreigners, 187 were colored persons, mostly natives, but some few of them from the West India Islands ; and 1536 or 43½ per cent. were native whites. This great degree of mortality among foreigners, who probably do not constitute more than 20 per cent. of the whole population of the city, is truly astonishing. By the recent census of the city, the excess of white females over white males, is shown to be about 3½ per cent., whilst the tables show an excess of deaths of white males, of 740,

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ANNUAL REPORT OF INTERMENTS,

IN THE CITY AND COUNTY OF NEW YORK, FOR THE YEAR 1840;

Commencing with the first day of January, and ending with the thirty-first day of December;

SHOWING THE NUMBER OF INTERMENTS WHICH OCCURRED IN EACH MONTH:

DISTINGUISHING, ALSO, THE SEX, COLOUR, AGE, AND NATIVITY OF THE DECEASED.

DISEASE.	SEX.				TIME OF DECEASE.												NUMBER OF EACH SEX.	AGE.														NATIVITY.										TOTAL.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
	Males		Females		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.		AGE.														United States.	Ireland.	England.	Germany.	Scotland.	France.	British Provinces.	West Indies.	Other Countries.	Unknown.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
	Whites.	Blacks.	Whites.	Blacks.														Under 1 year.	1 year to 2.	2 to 5.	5 to 10.	10 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	100 and upwards.												Unknown.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
Abscess	15	2			2	3		2		3	1		3		3		3	17		5		2	1	1	5	2																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				</

DISEASE.	SEX.			TIME OF DECEASE.												NUMBER OF EACH SEX.	AGE.														NATIVITY.								TOTAL.					
	Males		Females	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.		Males.	Females.	Under 1 year.	1 year to 2.	2 to 5.	5 to 10.	10 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	100 and upwards.	Unknown.	United States.	Ireland.	England.	Germany.	Scotland.		France.	British Provinces.	West Indies.	Other Countries.	Unknown.
	Whites.	Blacks.	Whites.																																									
Brain, Congestion of	41	1	...	2	2	4	3	6	6	5	5	2	1	1	5	42	...	12	4	7	1	...	2	5	6	2	2	...	1	34	3	...	1	1	...	1	1	72				
“	...	27	3	3	5	2	4	2	5	2	3	30	...	10	3	4	2	3	...	2	2	...	2	...	1	...	25	4	1	354				
Brain, Dropsy of	192	8	...	13	20	10	12	17	15	22	31	16	21	15	8	200	...	81	64	36	9	3	2	2	2	1	193	2	2	3	182				
“	...	174	10	...	16	15	14	18	15	8	23	16	17	17	16	9	184	...	62	59	42	13	6	1	1	80	14	3	4	2	182				
Brain, Inflammation of	99	4	...	8	8	9	7	4	10	16	17	4	5	6	9	103	...	26	11	18	8	4	13	10	8	5	59	12	1	4	...	1	59				
“	...	77	2	...	8	9	8	6	4	3	6	15	6	3	3	...	79	...	14	10	21	5	6	7	7	3	4	1	1	...	27	6	2	...	1	1				
Bronchitis	33	4	...	2	4	5	5	1	3	4	1	4	2	3	3	37	...	13	3	7	...	1	3	3	1	3	3	...	2	...	18	2				
“	...	22	...	3	5	1	3	2	1	1	2	1	3	...	22	...	5	9	4	2	2	3	2	1	1				
Cancer	9	1	1	1	...	2	...	2	...	2	...	2	...	9	1	...	1	...	3	3	...	1	3	2	...	1	21				
“	...	12	...	1	1	1	1	...	1	2	3	2	12	1	...	1	...	3	3	...	1	8	2	...	2				
Caries	1	1	1				
“	...	1	1	1	1	1				
Childbed	...	18	...	2	2	2	2	3	1	...	3	18	4	10	3	1	18				
Cholera	...	1	1				
Cholera Infantum	178	5	1	1	6	57	72	37	7	1	1	183	...	103	74	5	1	181	1	...	1	371			
“	...	181	7	1	...	7	56	77	32	11	4	188	...	111	58	17	1	1	...	2	1	1	2	185	2	...	1				
Cholera Morbus	16	1	...	1	3	2	5	5	17	...	1	1	4	1	1	1	1	2	1	1	2	1	1	11	4	1	29				
“	...	12	...	1	...	...	...	1	2	6	1	...	1	...	...	...	12	...	1	1	2	...	1	2	1	2	2	...	...	...	7	4	1	...	...	...	...	...	...
Chest, Inflammation of	21	3	1	2	1	3	...	3	4	4	21	...	11	3	3	1	1	1	19	1	47				
“	...	22	4	2	6	4	3	2	...	2	2	...	2	3	...	26	...	11	4	2	...	4	2	...	3	22	4				
Chest, Dropsy of	27	1	...	4	5	1	...	5	4	...	2	4	2	1	...	28	...	1	...	2	3	...	6	7	5	2	2	16	3	3	2	2	57				
“	...	26	3	2	5	2	2	4	1	3	2	1	5	...	2	29	2	2	3	5	...	8	1	4	3	1	24	5				
Colic	6	1	...	1	1	3	2	1	...	1	...	7	...	1	...	2	2	3	...	2	2	...	1	1	3	2	1	...	1	11				
“	...	4	...	2	4	3	1				
Consumption	608	60	...	66	67	72	61	47	46	49	50	43	46	49	52	668	...	14	15	21	19	29	154	184	126	66	21	13	3	...	341	224	40	24	18	8	...	3	7	3	1296			
“	...	552	76	54	55	66	59	49	37	47	48	49	60	49	55	628	...	6	21	22	23	49	188	133	88	44	31	16	4	...	406	158	27	11	6	6	4	1	5	4	...			
Convulsions	291	10	...	18	19	32	13	24	16	35	42	28	23	25	26	301	...	236	31	28	6	297	...	2	2	552				
“	...	233	18	26	24	14	16	19	16	27	25	19	22	25	18	...	251	...	174	46	29	2	...	...	...	...	...	...	...	246	1	1	3	...	...	...	...	...	...
Croup	81	...	...	5	7	3	5	9	6	4	10	6	6	6	14	81	...	24	17	36	3	...	...	1	...	...	...	...	...	77	...	2	2	...	...	...	...	...	146	
“	...	62	3	9	3	7	4	2	2	4	9	12	4	7	...	65	...	19	14	25	5	2	...	...	...	...	...	...	...	64	...	1	...	...	...	...	...	...	...
Delirium Tremens	63	...	...	10	3	2	6	3	4	6	6	8	5	5	5	63	...	...	...	...	...	16	16	23	6	2	...	...	...	27	27	7	1	1	...	...	...	...	75	
“	...	12	...	1	2	1	...	1	2	...	2	1	1	1	...	12	...	...	...	...	2	3	3	...	...	...	...	...	...	6	5	1	...	...	...	...	...	...	...
Diarrhœa	60	4	...	6	6	1	3	2	3	14	13	7	4	4	1	64	...	20	14	4	3	2	...	4	6	5	3	1	2	...	45	11	3	2	2	111				
“	...	43	4	3	6	5	3	3	2	6	7	4	2	...	...	47	...	4	4	10	1	...	11	8	5	1	1	2	...	31	8	5	1	...	...	...	...	...	1	
Dropsy	71	2	...	8	3	6	6	6	5	1	7	4	5	14	8	73	...	3	...	6	4	3	9	11	21	4	7	3	1	...	42	13	6	6	1	2	140				
“	...	63	2	7	6	3	6	10	4	2	8	4	6	8	3	...	67	...	2	7	2	3	10	13	13	7	6	1	3	...	42	17	3	3	1				
Dysentery	91	3	...	9	4	5	2	2	3	12	20	19	4	10	4	94	...	36	21	11	9	1	6	9	3	2	1	1	...	75	11	2	2	...	...	...	...	...	171	
“	...	77	...	1	1	3	1	4	2	9	18	17	16	4	1	...	77	...	22	18	11	3	3	2	4	6	3	4	...	62	9	1	4	...	...	...	...	...	...
Epilepsy	24	1	...	2	1	...	...	1	1	7	4	1	5	2	1	25	...	...	...	1	2	3	7	7	4	1	...	...	...	7	11	7	...	...	...	...	...	...	48	
“	...	22	1	1	1	...	1	2	...	4	3	...	7	4	...	23	...	...	...	1	...	5	9	4	4	...	...	...	...	8	12	3	...	...	...	...	...	...	...

DISEASE.	SEX.				TIME OF DECEASE.												NUMBER OF EACH SEX.		AGE.												NATIVITY.								TOTAL.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
	Males		Females		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Males.	Females.	Under 1 year.	1 year to 2.	2 to 5.	5 to 10.	10 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	100 and upwards.	Unknown.	United States.	Ireland.	England.	Germany.	Scotland.		British Provinces.	West Indies.	Other Countries.	Unknown.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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CASUALTIES, &c.	SEX.				TIME OF DECEASE.												NUMBER OF EACH SEX.		AGE.														NATIVITY.										TOTAL.		
	Males		Females		January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Males.	Females.	Under 1 year.	1 year to 2.	2 to 5.	5 to 10.	10 to 20.	20 to 30.	30 to 40.	40 to 50.	50 to 60.	60 to 70.	70 to 80.	80 to 90.	90 to 100.	100 and upwards.	Unknown.	United States.	Ireland.	England.	Germany.	Scotland.	France.	British Provinces.	West Indies.	Other Countries.		Unknown.	
	Whites.	Blacks.	Whites.	Blacks.																																									
Brought forward	3696	216	3211	219	629	570	553	503	515	459	713	864	700	619	593	624	3912	3430	1856	983	973	330	251	807	749	572	316	239	169	74	14	2	7	5624	1043	250	174	81	44	23	13	58	32	7342	
Accident	68	1	6	4	5	6	7	5	10	6	7	4	4	69	1	1	2	3	3	24	17	11	6	1	26	32	4	3	1	1	2	80		
“	10	1	1	1	2	1	2	2	4	11	1	1	1	2	1	1	1	1	1	6	4	1			
Burned, or Scalded	2	2	8	1	2	2	1	1	2	2	1	2	1	2	25	1	4	13	1	2	1	1	1	1	1	23	1	1	53			
“	25	3	4	4	2	4	1	1	2	1	1	7	28	5	3	6	4	5	2	2	1	22	5	1			
Cold Water, Drinking of	1	1	1	1	1	1			
Exposure	2	1	1	1	1	3	3	1	1	1	4		
“	1	1	1	1	1		
Drowned	84	2	1	6	4	8	13	7	12	9	11	10	3	2	86	2	1	3	8	6	21	20	14	4	1	6	37	15	5	4	223	94		
“	8	1	1	2	1	1	2	8	2	1	3	1	1	3	2	3			
Killed	7	1	1	2	1	1	1	7	2	4	2	1	3	4	10			
“	2	1	2	1	3	1	2	1	2			
Poison	9	2	4	1	2	9	1	1	2	2	1	1	8	1	20		
“	9	2	1	1	1	1	3	2	1	1	11	1	1	4	3	1	6	1	2	1		
Suicide	15	1	1	1	3	3	2	1	2	3	16	1	2	8	2	1	2	7	2	3	3	1	28			
“	12	1	2	1	3	1	2	12	1	5	3	5	4	3			
Suffocation	20	1	1	1	1	1	5	1	3	4	2	2	21	16	2	1	1	1	21	41			
“	17	3	1	2	2	5	2	1	1	1	1	2	1	1	20	17	1	1	1	19	1			
Unknown	95	11	6	8	11	11	8	11	6	13	7	11	9	106	29	4	5	1	3	8	18	17	9	6	1	1	4	65	19	7	5	2	2	6	195				
“	82	7	3	8	16	12	7	9	4	4	8	7	4	89	27	4	4	3	11	12	7	7	2	4	1	1	6	60	15	3	3	1	1	6		
Still-born	4020	235	3377	236	662	609	593	561	568	501	772	903	746	663	631	659	4255	3613	1959	1006	011	352	269	399	839	640	346	250	180	74	17	3	23	5937	1153	278	193	87	47	24	14	63	72	7868	
“	337	15	29	29	20	32	33	37	33	23	30	24	22	40	352	600	
“	24	14	30	27	23	25	15	18	18	15	16	29	13	25	254
.....	4357	250	3617	250	721	665	636	618	616	556	823	941	792	716	666	724	4607	3867	8474

DOCUMENT No. 48.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

Annual Report of the Public Administrator, with a statement of the Receipts and Expenditures of his Office, &c. &c., from January 1, 1840, to January 1, 1841. Ordered to be printed.

SAMUEL J. WILLIS, CLERK.

To the Common Council of the City of New York:

THE Public Administrator in the City of New York, in compliance with the requisitions of the Revised Statutes of the State of New York, hereby submits a statement of the receipts and expenditures of his office, from the first day of January, 1840, to the first day of January, 1841, including the balances in his hands standing to the credit of the several estates in the books of his office.

Names of In-estates whose Estates have been taken charge of by the Public Administrator or his predecessor, and which have been heretofore reported.	Addition.	Residence or where from.	Total amount received to the credit of such estates.	Commissions charged on such estates.	Total amount of Expenditures, including Commissions, Expenses, Disbursements and Balances paid into the Treasury.	Balances.
Felix Dupieu	Varnish manufacturer	New York			\$3 62	
Clows Linsman	Grocer	do			3 83	
James Tengrove	Grocer	do			5 00	\$361 61
William Gallagher	Hack driver	do			17 55	
Christian Larkin	Mariner	do			9 50	
James Valetton	Merchant	do			5 00	1,695 79
Samuel Denman	Bookkeeper	do			74 93	
Abby Montier	Spinster	do	\$150 00	\$7 50	150 00	
Coupric Desessard	Gentleman	do			200 00	
Peter Kerrison	Stockmaker	do			142 80	
John Eastabrook	Merchant	do			193 89	52 34
Walter Coppinger	Grocer	do			49 86	32 58
Margaret Hogan	Milliner	do			3 50	
Elizabeth Carvine	Boarding-house keeper	do			8 00	196 82
Joseph Young	Musician	do				13 39
R. A. Heinz	Bookkeeper	do				8 83
Henry Norton	Gentleman	Jamaica			1,217 14	
Samuel M. Briggs	Clerk	New York			7 49	47 14
Susan Appleton	Tailoress	do			22 97	
William Spence	Unknown	New York			2 50	56 14
Christopher Lee	Unknown	do				
Harriet M. Smith	Single woman	do			13 85	
John R. Peckworth	Surgeon U. S. Navy	Philadelphia			260 51	
Lydia Baile	Widow	New York			130 53	
John Dougherty	Servant	do			1,436 24	
Frederick W. Specht	Physician	do			7 00	
					9 59	

John Hays.....	Mariner.....	Baltimore.....	.....	.....	10 50
Patrick Conoley.....	Mariner.....	New York.....	.....	.....	5 39
William Tibbot.....	Gentleman.....	do.....	1,140 00	48 92	2,218 76
John Rogan.....	Unknown.....	do.....	.....	.....	29 85
Ebenezer Sinclair.....	Mariner.....	do.....	.....	.....	5 84
Mary Prentis.....	Servant.....	do.....	.....	.....	383 65
Mathias Bruman.....	Mariner.....	do.....	.....	.....	265 83
Sarah Ann Devoe.....	Single woman.....	do.....	.....	.....	21 10
Edward Sands.....	Laborer.....	do.....	.....	.....	741 65
Mary Gafney.....	Spinster.....	do.....	.....	.....	56 16
August Kock.....	Mariner.....	do.....	.....	.....	34 48
John Flynn.....	Laborer.....	do.....	.....	.....	61 77
Philip Cavanagh.....	Grocer.....	do.....	.....	.....	171 49
James Jordon.....	Mariner.....	do.....	.....	.....	2 93
John McMahon.....	Mariner.....	do.....	.....	.....	0 91
Susan Myers.....	Colored woman.....	do.....	.....	.....	19 19
John Coffman.....	Mariner.....	do.....	.....	.....	4 70
Theodore A. Scribeler.....	Physician.....	do.....	.....	.....	2 76
Jean Epervie.....	Musician.....	do.....	.....	.....	25 78
Richard Donovan.....	Laborer.....	do.....	37 50	1 87	109 68
Samuel Rose.....	Mariner.....	do.....	.....	.....	1 75
William Hurd.....	Mariner.....	do.....	.....	.....	2 20
Samuel B. Hooker.....	Mariner.....	do.....	.....	.....	0 80
Thomas Shepherd.....	Merchant.....	Grenada.....	.....	.....	849 83
James Sumerau.....	Jeweller.....	New York.....	516 34	25 81	1,000 09
Betsey Miles.....	Widow.....	do.....	.....	.....	273 64
Robert Read.....	Clerk.....	do.....	.....	.....	0 93
Henry Brinkmann.....	Grocer.....	do.....	553 32	7 66	1,254 94
Gustavus A. F. Dossin.....	Clerk.....	do.....	.....	.....	9 50
James Tinker.....	Mariner.....	do.....	1 19	0 06	1 19
Henry Corse.....	Mariner.....	do.....	.....	.....	14 50

59 16

10 92

29 20

10 81

13 60

Names of intestates whose Estates have been taken charge of by the Public Administrator or his predecessor, and which have been heretofore reported.	Addition.	Residence or where from	Total amount received to the credit of such estates	Commissions charged on such estates	Total amount of Es- settlements, including Commissions, Expenses, Debts, Distributions and Balances paid into the Treasury.	Balances.
Peter Gussahang	Architect.	New Orleans.	.....	.....	\$8 00	30 59
James McGuire	Unknown	New York	.....	.....	6 00	.....
William Harris	Mariner	do	.....	.....	17 12	.....
Charles Stamm	Merchant.	do	\$59 92	\$2 54	36 14	14 78
Wm. Thompson, or Williams	Mariner	do	.....	.....	4 82	.....
Sarah Smith	Nurse	do	13 27	0 66	23 66	17 86
John Linton	Unknown	Virginia	.....	.....	2 00	.....
George Knapp	Mariner	New York	.....	.....	5 50	.....
Edward Carr	Mariner	do	.....	.....	6 50	18 25
Winniford Woodward	Mariner	do	.....	.....	1 22	.....
William Smith	Mariner	do	.....	.....	2 50	10 68
C. Mather	Unknown	Philadelphia	6 46	0 31	6 46	.....
Elizabeth Morewood	Single woman	New York	60 46	3 00	12 72	.....
John Reinicke	Merchant	do	22 15	1 10	18 75	3 45
Thomas Toner	Unknown	do	147 87	7 35	147 87	.....
Charles Miller	Merchant	do	.....	.....	5 67	.....
Patrick McKenna	Milk man	do	232 43	11 62	44 10	177 58
John King-land	Hatter	do	.....	.....	2 15	.....
James Duncan	Mariner	do	3 63	.....	3 63	.....
Thomas Lord	Mariner	do	.....	.....	176 06	12 32
Charles Jacobson	Mariner	do	160 25	8 01	147 39	77 66
Joseph Roach	Unknown	do	111 35	5 56	33 69	77 66
Matilda Roach	Unknown	do	111 35	5 56	33 69	.....

Names of Intestates whose Estates have been taken charge of by the Public Administrator, and which have not been heretofore reported.

John McKown	Mariner	New York	249 47	12 47	51 85	197 62
Walter Barr	Mariner	do	57 44	2 87	57 44	
Elizabeth McCarthy	Spinster	New Orleans	21 50		21 50	
James Cragie	Mariner	New Orleans	75 62	3 78	75 62	
Dorinda Powell	Dress maker	New York	28 84	1 44	25 84	3 00
Michael Foley	Laborer	do	216 57	10 82	159 57	57 00
Monson Ruckel	Mariner	do	30 00	1 50	22 40	8 60
Constantine Smyth	Lieut. U. S. Army	do	12 88		12 88	
Charles Schroeder	Unknown	do	6 90	0 30	6 90	
George Williams	Mariner	do	9 46	0 46	9 46	
Roderick Farrell	Mariner	do	38 68	1 93	23 93	14 75
John Baragar	Mariner	do	9 26	0 46	9 26	
Alexander Lafaitteur	Cordial distiller	do	379 27	18 96	206 90	172 37
John Williams	Mariner	do	5 95	0 29	5 95	
Charles Williams	Mariner	do	17 69	0 79	17 69	
Charles Merrell	Mariner	do	7 96	0 46	7 96	0 76
Charles Daby	Mariner	do	9 50	0 47	8 74	40 84
William McKenzie	Mariner	do	60 25	3 01	19 41	
Thomas Reed	Mariner	do	128 28	6 41	128 28	
Julius C. Peck	Merchant	do	2,852 35	133 80	761 71	2,090 64
Thomas Jones	Mariner	Massachusetts	55 60	2 78	55 60	
Bernard Luddy	Laborer	New York	66 07	3 30	65 45	0 62
Hannah McGinnes	Widow	do	31 15	1 55	30 91	0 20
Ann Dickson	Spinster	New Orleans	104 45	5 22	103 95	0 50
James Jackson	Mariner	New York	16 10	0 80	17 20	
John Crogan	Mariner	do	2 56		7 40	
Patrick Cronley	Laborer	do	51 00	2 55	51 00	
Joseph Lawton	Clerk	do	884 35	44 20	203 71	680 64

Names of Intestates whose Estates have been taken charge of by the Public Administrator or his predecessor, and which have been heretofore reported.	Addition.	Residence or where from.	Total amount received to the credit of such estates.	Commissions charged on such estates.	Total amount of Expenditures, including Commissions, Expenses, Debts, Distributions and Balances paid into the Treasury.		Balances.
					\$	¢	
William Seely	Mariner	New York	\$14 65	\$0 73	\$13 38		\$1 27
William Stone	Mariner	do	6 77	0 33	6 77		
William Powers	Porter	do	739 16	36 95	157 58		581 58
Charles Seelricht	Mariner	do	3 25	.....	5 40		
Robert Grierson	Jeweller	do	5,998 33	212 45	3,371 19		2,627 14
William C. Wybrant	Mariner	do	62 83	3 14	24 04		38 79
John Johnson	Mariner	do	46 80	2 34	20 24		26 56
Elijah Soule	Mariner	do	38 04	1 90	38 04		
Elias Morgan	Pilot	Alabama	363 00	16 28	363 00		
James A. Hastings	Mariner	New York	3 17	.....	3 40		
Joshua Strout	Mariner	do	1 86	.....	2 65		
Levi Laurens	Mariner	do	5 90	0 29	5 90		
John Butler	Mariner	do	0 64	.....	2 40		
George Williams	Mariner	do	1 84	.....	2 40		
Peter Kofford	Mariner	do	6 56	0 32	6 56		
William Sighes	Mariner	do	7 11	0 35	7 11		
Jean B. Sonnette	Merchant	Honduras	818 25	40 91	235 87		582 38
Peter Allen	Mariner	New York	26 47	1 32	14 22		12 25
John Baker	Unknown	do	41 08	2 05	32 60		8 48
Margaret McIntyre	Single woman	do	64 57	3 22	20 12		44 45
Jacques Guerrier	Unknown	do	28 82	1 44	28 82		
John Charles	Mariner	do	13 18	0 65	12 80		0 38
Thomas Johnston	Mariner	do	4 40	0 22	4 40		
John E. Rollosen	Boarding-house keeper	do	42 50	2 12	23 50		19 00
Sarah Adair	Widow	do	83 19	4 15	59 55		23 64
William W. Farnsworth	Agent	do	194 01	9 70	138 08		55 93

Thomas B Plummer.....	Unknown.....	176 36	8 81	68 19	108 17
Hannah Clark.....	Widow.....	9 79	0 48	9 79	
John Penn.....	Unknown.....	86 40	4 32	30 70	55 70
James Hanvey.....	Mariner.....	58 42	2 92	18 32	40 10
James George.....	Mariner.....	10 90	0 54	10 90	
Hugh McGilligan.....	Mariner.....	33 18	1 65	19 05	14 13
Alexander Ross.....	Merchant.....	15 28	0 76	13 16	2 12
Thomas Stewart.....	Mariner.....	5 31	0 26	5 31	
William Hanks.....	Mariner.....	3 80	.....	3 80	
Paul Grace.....	Laborer.....	146 81	7 34	146 81	
William Green.....	Mariner.....	47 29	2 36	21 26	26 03
James Pully.....	Mariner.....	11 45	0 57	11 25	0 20
Howard A. Miller.....	Mariner.....	54 00	.....	54 00	
Walter Grosbeck.....	Merchant.....	102 55	.....	102 55	
Juan M. Estrade.....	Merchant.....	1,689 38	84 46	138 01	1,551 37
John Sheridan.....	Laborer.....	185 99	9 30	128 05	57 94
Samuel Colloms.....	Mariner.....	54 21	2 71	24 61	29 60
George Barring.....	Mariner.....	27 35	1 36	18 76	8 59
Raymond Fronty.....	Mariner.....	36 75	1 83	38 21	
William M. White.....	Mariner.....	11 18	0 55	9 95	1 23
Obsdiah Andrews.....	Mariner.....	1 91	.....	3 40	
Robert Wallace.....	Hair dresser.....	.....	.....	3 40	
James Hays.....	Merchant.....	8 00	.....	32 40	
William H. Bulkley.....	Lawyer.....	163 62	8 18	42 56	121 06
Achilles Merdin.....	Druggist.....	25 51	1 27	22 15	3 36
John Francis.....	Mariner.....	45 25	2 26	20 16	25 09
George Vincent.....	Mason.....	1 22	.....	5 98	
Joseph Card.....	Mariner.....	5 90	0 29	5 90	
William H. Penny.....	Boatman.....	117 39	5 86	57 69	59 70
Hiram T. Jennings.....	Mariner.....	9 06	0 45	9 06	
Eliza Beam.....	Spinster.....	4 05	0 15	4 05	

Names of Intestates whose Estates have been taken charge of by the Public Administrator or his predecessor, and which have been heretofore reported.	Addition.	Residence or where from.	Total amount received to the credit of such estates.	Commissions charged on such estates.	Total amount of Expenditures, including		Balances.
					penditures, including	Commissions, Expenses, O'ld, Distributed from and Balances paid into the Treasury.	
George Melville	Mariner	New York	\$5 00	\$0 25	\$5 00		
Jeremiah Swane	Unknown	do	34 11	1 70	26 10		8 01
William Henry	Mariner	do	14 28	0 71	14 28		
Charles McCsorley	Mariner	do	36 19	1 80	20 70		15 49
Winnifred O'Brien	Widow	do	9 41	0 47	9 37		0 04
Michael Gallagher	Laborer	do	24 31	1 21	24 31		
Bernard Roth	Shoe maker	do	87 67	4 38	21 78		65 89
Charles Mattocks	Mariner	do	31 40	1 57	31 40		
James Wells	Mariner	do	44 58	2 22	22 12		22 46
William Morris	Mariner	do	14 55	0 72	14 55		
William Bates	Mariner	do	37 58	1 87	22 77		14 81
Michael Burke	Laborer	do .....	.....	.....	67 35		
George Jones	Mariner	do	14 24	0 71	13 61		0 63
Margaret McCabe	Servant	do	8 14	0 40	3 80		4 34
William Shidder	Mariner	do	5 62	0 28	5 62		
Jacob Danford	Mariner	do	7 33	0 36	7 33		
Joseph E. Bishop	Unknown	do	5 75	0 28	5 75		
Gellert Rosentsein	Spinster	Germany	51 04	2 55	26 45		24 59
Ralph S. Kindley	Mariner	England	280 64	14 03	71 91		208 73
John Brown	Mariner	New York	144 19	7 20	.....	
George Thomson	Musician	do	29 00	1 45	34 45		
William Oliver	Mariner	do	19 88	.....	19 88		0 67
Ferdinand Maeser	Upholsterer	do	10 33	0 51	9 66		
John Patterson	Unknown	do	1 94	.....	3 40		

Dated New York, January 1st, 1841.

ELISHA MORRILL, Public Administrator.

City and County of New York, ss.:

ELISHA MORRILL, Public Administrator in the City of New York, being duly sworn, says, that the annexed report and statement of the receipts, expenditures and balances, taken from the books of his office, are just and true, to the best of his knowledge, information and belief.

ELISHA MORRILL.

Sworn before me this }
day of January, 1841. }

ELIJAH F. PURDY,
Acting Mayor.

REPORT

OF THE

PUBLIC ADMINISTRATOR,

Of Commissions, Balances paid City Treasurer, &c., on various Estates, for the year 1840.

The following Estates for	Amounts on which Commissions are charged.	Commissions.	Balances paid City Treasurer.	Amounts charged to Corporation.
Felix Dupien			\$ 3 62	
Clows Linsman			3 83	
William Gallagher			16 05	
Christian Larkin			8 00	
Abby Montier	\$ 150. 00	\$ 7 50	131 50	
Couprie Desessard			200 00	
Henry Norton			1,196 14	
Susan Appleton			14 47	
Christopher Lee			12 85	
Harriet M. Smith			244 51	
John R. Peckworth			53 27	
Lydia Bailie			1,168 74	
Frederick W. Specht			2 59	
John Hays			3 00	
Patrick Conolly			4 39	
William Tibbot	1,140 00	48 92	2,008 84	
John Rogan			20 85	
Ebenezer Sinclair			4 34	
Mary Prentiss			362 65	
Mathias Bruman			249 83	
Sarah Ann Devoe			13 60	
Edward Sands			522 09	
Mary Gaffney			23 41	
August Kock			25 48	
John Flynn			52 77	
Susan Myers			10 19	
John Coffman			3 20	
Theodore A. Schneibicher			2 00	
Richard Donovan	37 50	1 87		
James Sumerau	516 34	25 81		
Henry Brinkmonn	153 32	7 66		
Amounts carried over. . .	\$1,997 16	\$91 76	\$6,362 21	

The following Estates for	Amounts on which Com-missions are charged.	Commis-sions.	Balance paid City Treas-urer.	Amounts charged to Corpora-tion.
Amounts brought forward.	\$1,997 16	\$ 91 76	\$6,362 21	
James Tinker	1 19	0 06		
Charles Stamm	50 92	2 54		
Sarah Smith	13 27	0 66		
William Tryon				\$1 21
George Knapp			4 00	
C. Mather	6 46	0 31		
Elizabeth Morewood	60 46	3 00		
John Reinicke	22 15	1 10		
Thomas Taner	147 87	7 35		
Charles Miller			3 67	
Patrick McKenna	232 43	11 62		
John Kingsland				2 15
Charles Jacobson	160 25	8 01		
Joseph Roach	111 35	5 56		
Matilda Roach	111 35	5 56		
John McKown	249 47	12 47		
Walter Barr	57 44	2 87		
James Cragie	75 62	3 78		
Dorinda Powell	28 84	1 44		
Michael Foley	216 57	10 82		
Monson Ruckel	30 00	1 50		
Charles Schroeder	6 90	0 30		
George Williams	9 46	0 46		
Roderick Farrell	38 68	1 93		
John Baragar	9 26	0 46		
Alexander Laffaitteur	379 27	18 96		
John Williams	5 95	0 29		
Charles Williams	17 69	0 79		
Charles Merrell	7 96	0 46		
Charles Daby	9 50	0 47		
William McKenzie	60 25	3 01		
Thomas Reed	128 28	6 41		
Julius C. Peck	2,852 35	133 80		
Thomas Jones	55 60	2 78		
Bernard Leddy	66 07	3 30		
Hannah McGinnes	31 15	1 55		
Ann Dickson	104 45	5 22		
James Jackson	16 10	0 80		1 10
John Crogan				4 84
Patrick Cronley	51 00	2 55		
Joseph Lawton	884 35	44 20		
William Seeley	14 65	0 73		
William Stone	6 77	0 33		
William Powers	739 16	36 95		
Charles Seelricht				2 15
Robert Grierson	5,998 33	212 45		
Amounts carried forward..	\$15,065 98	\$648 61	\$6,369 88	\$11 45

The following Estates for	Amounts on which Commissions are charged.	Commissions.	Balances paid City Treasurer.	Amounts charged to Corporation.
Amounts brought forward.	\$15,065 98	\$648 61	\$6,369 88	\$11 45
William C. Wybrant.....	62 83	3 14	.....
John Johnson.....	46 80	2 34	.....
Elijah Soule.....	38 04	1 90	.....
Elias Morgan.....	363 00	16 28	.....
James A. Hastings.....	.....	.....	.....	0 23
Joshua Strout.....	.....	.....	.....	0 79
Levi Laurens.....	5 90	0 29	.....
John Butler.....	.....	.....	.....	1 76
George Williams.....	.....	.....	.....	0 56
Peter Kofford.....	6 56	0 32	.....
William Sighe.....	7 11	0 35	.....
Jean B. Sonnette.....	818 25	40 91	.....
Peter Allen.....	26 47	1 32	.....
John Baker.....	41 08	2 05	.....
Margaret McIntyre.....	64 57	3 22	.....
Jaques Guerrier.....	28 82	1 44	.....
John Charles.....	13 18	0 65	.....
Thomas Johnston.....	4 40	0 22	.....
John E. Rolloson.....	42 50	2 12	.....
Sarah Adair.....	83 19	4 15	.....
William W. Farnsworth.....	194 01	9 70	.....
Thomas B. Plummer.....	176 36	8 81	.....
Hannah Clark.....	9 79	0 48	.....
John Penn.....	86 40	4 32	.....
James Hanvey.....	58 42	2 92	.....
James George.....	10 90	0 54	.....
Hugh McGilligan.....	33 18	1 65	.....
Alexander Ross.....	15 28	0 76	.....
Thomas Stewart.....	5 31	0 26	.....
Paul Grace.....	146 81	7 34	.....
William Green.....	47 29	2 36	.....
James Pully.....	11 45	0 57	.....
Juan M. Estrade.....	1,689 38	84 46	.....
John Sheridan.....	185 99	9 30	.....
Samuel Colloms.....	54 21	2 71	.....
George Barring.....	27 35	1 36	.....
Raymond Fronty.....	36 75	1 83	.....
William M. White.....	11 18	0 55	.....
Ohadiah Andrews.....	.....	.....	.....	1 49
William H. Bulkley.....	163 62	8 18	.....
Achilles Merlin.....	25 51	1 27	.....
John Francis.....	45 25	2 26	.....
Joseph Card.....	5 90	0 29	.....
William H. Penny.....	117 39	5 86	.....
Hiram T. Jennings.....	9 06	0 45	.....
Eliza Beam.....	4 05	0 15	.....	0 15
Amounts carried forward..	\$19,889 52	\$887 69	\$6,369 88	\$16 43

The following Estates for	Amounts on which Commissions are charged.	Commissions.	Balances paid City Treasurer.	Amounts charged to Co-operation.
Amounts brought forward.	\$19,889 52	\$887 69	\$6,369 88	\$16 43
George Melville	5 00	0 25	.....
Jeremiah Swane	34 11	1 70	.....
William Henry	14 28	0 71	.....
Charles McSorley	36 19	1 80	.....
Winnefred O'Brien	9 41	0 47	.....
Michael Gallagher	24 31	1 21	.....
Bernard Roth	87 67	4 38	.....
Charles Mattocks	31 40	1 57	.....
James Wells	44 58	2 22	.....
William Morris	14 55	0 72	.....
William Bates	37 58	1 87	.....
George Jones	14 24	0 71	.....
Margaret McCabe	8 14	0 40	.....
William Shidder	5 62	0 28	.....
Jacob Danford	7 33	0 36	.....
Joseph E. Bishop	5 75	0 28	.....
Gellert Rosenstein	51 04	2 55	.....
Ralph S. Kindley	280 64	14 03	.....
John Brown	144 19	7 20	.....
George Thomson	29 00	1 45	.....
Ferdinand Maeser	10 33	0 51	.....
	\$20,784 88	\$932 36	\$6,369 88	\$16 43

New York, January 1st, 1841.

ELISHA MORRILL,
Public Administrator.

DR. ELISHA MORRILL, *Public Administrator, in Account with the Corporation of the City of New York.* CR.

1840.		1840.
Jan. 8.	To cash paid Williams & Fergusson's bill of coal	\$ 8 50
" 21.	To cash paid William H. Colyer's bill for printing extracts, H. S.	2 25
Feb. 8.	To cash paid one quarter rent for office, at \$150 per annum	37 50
" 8.	To cash paid Gould & Banks, for copy of Revised Statutes	11 00
" 21.	To postage to Albany on Annual Report	0 38
May 14.	Paid publishing yearly account in Evening Post and Evening Journal	229 25
" 21.	Paid one quarter rent of office, at \$150 ..	37 50
June 23.	Printing 500 extracts Revised Statutes ..	5 00
Oct. 29.	To cash for one ton of coal and one load of wood for office	8 87
Nov. 27.	Paid for serving 500 copies extract from Revised Statutes on boarding houses, taverns, &c. at 8 cents each	40 00
" 27.	To cash paid for Directory for 1840-41 ..	3 00
" 27.	Paid two quarters rent for office to 1st instant, at \$125	62 50
Dec. 31.	To amount of balance on estates where the expenses were more than the property found	16 43
31.	Paid C. W. Lawrence, City Treasurer, balance commissions	470 18
		<hr/> \$932 36
Dec. 31. By Commissions on various Estates		\$932 36

I, ELISHA MORRILL, Public Administrator, in the City of New York, do hereby certify that the above account taken from the books of my office, is just and true, to the best of my knowledge, information and belief.

ELISHA MORRILL,
Public Administrator.

New York, January 1st, 1841.

1. The first of these is the fact that the
 2. second is the fact that the
 3. third is the fact that the

4. fourth is the fact that the

5. fifth is the fact that the

6. sixth is the fact that the

7. seventh is the fact that the

8. eighth is the fact that the

9. ninth is the fact that the

DOCUMENT No. 49.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

Report of the Committee on Public Offices and Repairs, in accordance with the Ordinance "to provide for the accountability of Executive Committees." Ordered on file.

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs of the Board of Aldermen, in accordance with the requisition of the ordinance "to provide for the accountability of Executive Committees of the Common Council," approved January 1st, 1841, respectfully

REPORT:

That a meeting of this Committee was held on Friday evening, the 22d instant, at which the undersigned, a majority of the Committee, were present. The Superintendent of Buildings presented several bills and accounts, being for expenditures incurred by him in the discharge of the duties of his office for the fortnight previous. These bills were examined and allowed by the undersigned, and a requisition

upon the Comptroller to pay the same, signed by them, for the amount, say \$3054 69, and to be charged as follows:

To the Fire Department, for workmen's wages and materials for repairs, machines, houses, &c. \$1,830 72

To repairs and supplies, being in workmen's wages and materials used in the Corporation

Yard, &c..... 1,223 97

\$3,054 69

Of the above amount fourteen hundred and sixty-eight dollars and fourteen cents, was for working men's wages.

Your Committee would observe that by the ordinance "prescribing the duties of a Superintendent of Buildings" it is made "his duty to submit all bills, whether for the purchase of any articles or materials, or for the performance of any work, to the Committee on Public Offices and Repairs:" this is done usually once each fortnight; and it is the custom to have a majority of the Committee of *both* Boards present on said occasions. Such was the fact at the meeting, the proceedings of which is here reported, and all concurred therein.

Respectfully submitted.

ELIAS L. SMITH,
SAMUEL NICHOLS.

DOCUMENT No. 50.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

The Committee on Arts, Sciences and Schools, to whom were referred the report and resolution from the Board of Assistants, relative to the Naval School, presented the following report thereon, which was unanimously adopted.

SAMUEL J. WILLIS, CLERK.

The Committee on Arts, Sciences and Schools, of the Board of Aldermen, to whom were referred the annexed report and resolution from the Board of Assistants, relative to the Naval School and Home Squadron System, respectfully

REPORT:

That they have considered the subject, and fully concur in the views expressed by the Committee of the Board of Assistants, as to the value and importance to the interests of our country, of the establishment and fostering protection, on the part of the general government, of the system alluded

to; and they would content themselves with the expression of this opinion, and a recommendation of a concurrence on the part of this Board, in the resolution adopted by the Board of Assistants, did they not deem this a proper occasion for the constituted authorities of the city to go farther, and express the sense they entertain of the services of one of our own citizens, in bringing into existence and maturity the plan of a Home Squadron and Naval School. They allude to *Mr. Thomas Goin*; a gentleman who, in connection with his business as a notary and ship broker, has spent a great portion of his time, for several years past, in pressing upon the consideration of the public and the General Government, and finally bringing into successful operation, the establishment of a system which, in the great benefits to result from it, so aptly referred to in the report of the Committee of the other Board, is destined to strengthen the most important arm of our national defence, and add to the glory and honor of our national character.

In proof of the efforts of Mr. Goin in this particular, the Committee might refer to the observation of every individual in the community whose attention has been in any degree directed to the subject. The public press has with one voice accorded to him the credit of carrying into successful operation the plan proposed, and many of the distinguished citizens who have filled conspicuous stations in the public service have united in the admission that but for his characteristic energy and perseverance, as well as his intimate acquaintance with the subject, it would to this day have remained a matter of theory and speculation.

The Committee, in this view of the matter, trust that this Board will not merely concur in the general expression of confidence in the utility of the Home Squadron and Naval School System, as embraced in the resolution of the other Board, but that the Common Council will unite in a just tribute to the efforts of our fellow citizen, which have so

materially contributed to its practical completion and success.

To carry out these views, the Committee beg leave to offer for adoption the following resolutions as a substitute for that adopted by the Board of Assistants :

Resolved, That the Common Council of the City of New York entertain a grateful sense of the exertions of Mr. Thomas Goin in bringing into successful operation the Home Squadron and Naval School System as a branch of the naval establishment of our country : and that in the full confidence that that system is not merely replete with advantage to our naval defence, but must necessarily be an important stimulant to the ambition of a large body of youth of our country, this Common Council respectfully recommend it to the favorable consideration and fostering care of the General Government.

Resolved, That the Clerk of the Common Council furnish a copy of the preceding, and of this resolution, to Mr. Goin, authenticated by the seal of the city.

Respectfully submitted.

DAVID GRAHAM, Jun.,
PETER COOPER.
ELIAS L. SMITH.

DOCUMENT No. 51.

BOARD OF ALDERMEN,

JANUARY 25, 1841.

The following Communication was received from his Honor the Mayor, transmitting a Bill presented in the Senate by MR. VERPLANCK entitled "An Act concerning Firemen and the Fire Department of the City of New York:" also, a plan for the government of a paid Fire Department, which were directed to be printed, and referred to the Committee on Fire and Water.

SAMUEL J. WILLIS, CLERK.

MAYOR'S OFFICE, JAN. 25, 1841.

To the Board of Aldermen:

Gentlemen,—I have just received information that Senator Verplanck has introduced in the Senate of this State a bill entitled "A Bill concerning the Firemen and Fire Department of the City of New York."

I herewith transmit an abstract of said bill as introduced.

Sincerely believing the Bill contains provisions which, if passed in their present form, will materially tend to increase

the taxes of the people, I have deemed it my duty to apprise the Board of the fact.

I cannot but regret to notice a disposition manifested by the State Legislature to abridge the powers and interfere with the measures of the City Government; as a co-ordinate branch of that government, I feel that I am but performing a duty devolving on me under the Charter of the City, in earnestly calling the attention of the Common Council to the alarming encroachments which have been, and appear about to be made upon the Chartered Rights of the People of the City of New York, by the passage of laws which, though onerous in their operations, deprive the people of all action in reference to them through their immediate representatives in the Common Council, except the burdensome one of providing the means to liquidate the expense.

I respectfully suggest that prompt and effective measures be taken in relation to the subject, remonstrating against the passage of this bill, as well as any others of a like character, which tends to impose additional burdens upon the people against their consent.

Respectfully.

ELIJAH F. PURDY,

Acting Mayor.

AN ACT

CONCERNING THE FIREMEN AND FIRE DEPARTMENT OF THE CITY OF NEW YORK.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Firemen of the City of New York shall hereafter be appointed by and be under the control, supervision and direction of five Commissioners, who shall be elected and appointed by the representatives of the New York Fire Department, and shall hold their offices during the term of five years.

§ 2. The said Commissioners shall each receive a salary of one thousand dollars, to be paid to them quarterly by the Comptroller of the City of New York, from the Treasury of the said City, and before entering upon the duties of their office they shall take an oath or affirmation, before any officer duly authorized to administer oaths in the said city, well and faithfully to perform these duties without regard to political or personal feelings, but with a view to the best interests of the city, and of the Firemen ; which oath shall be filed in the office of the Clerk of the City and County of New York.

§ 3. The said Commissioners shall be known as "The Commissioners of the Fire Department of the City of New

York," and no person shall be appointed as a Commissioner who shall not have served at least five years as a Fireman in the City of New York.

§ 4. The Commissioners shall have power and it shall be their duty to appoint a Chief Engineer and seven Assistant Engineers, which Chief and Assistant Engineers shall be subject to removal at any time by said Commissioners.

§ 5. It shall be lawful for said Commissioners to appoint as often and whenever they may see proper a sufficient number of honest, sober and discreet persons to be Firemen of the City of New York, who shall have charge of the fire apparatus of the said city; they shall also have power to make such rules and regulations as in their judgment may seem necessary, touching the government of said Firemen, the performance of their duties, the management and working of their apparatus; they shall have power either to suspend or remove any of the Firemen so appointed by them, or heretofore appointed by the Common Council, either for neglect of duty, disobedience of orders, riotous or disorderly conduct, violation of the laws, or for any other good cause shown; they shall have power to assign or transfer any Fireman to any Company, or to take charge of any fire apparatus, as to them shall seem proper; they shall also have power to make any regulations respecting the distinguishing badge of Firemen when on duty, and to prevent others than Firemen from wearing such badge, or from entering the houses of deposit for the fire apparatus, and also respecting the preservation of order and peace at fires; and they shall have power to impose such fines and penalties for the enforcement of such rules and regulations as may be necessary, and to sue for such fines and penalties in the name of the Mayor, Aldermen and Commonalty of the City of New York, and when paid, they shall pay them over to the Comptroller of said city for its use and benefit.

§ 6. The Commissioners shall have power to purchase all apparatus and property necessary for the use of the Fire Department, and also to hire, let or lease any real estate, and erect any buildings necessary for the use of said department. The Commissioners may dispose of and sell all fire apparatus or implements rendered unfit for use, and the proceeds arising from the sale thereof shall be paid over to the City Comptroller; all repairs to fire apparatus or property in use by the Fire Department, shall be under the direction of the Commissioners. No real estate shall be purchased or sold by the Commissioners unless by permission of the Common Council of the City of New York.

§ 7. The Commissioners shall appoint, on the recommendation of the Alderman and Assistant Alderman of each ward, five persons to each ward, to be denominated Fire Policemen, to whom the Mayor shall issue a Marshal's warrant, and whose duties shall be regulated by the Commissioners; they shall hold their offices during the pleasure of the Commissioners. The Commissioners shall also have power to appoint to each fire engine, hose cart and hook and ladder truck, two persons as cleaners, whose duties shall be regulated by the Commissioners.

§ 8. The Commissioners shall have power to regulate and fix the salaries of the Chief and Assistant Engineers, the Fire Policemen, and the cleaners, and to make such rules for their government and the performance of their duties, as they see fit.

§ 9. The Commissioners shall publish monthly, a list of the names of all Firemen appointed or removed by them, and also such part of their proceedings as they may deem of interest to the citizens. They shall render semi-annually to the Common Council a statement under oath, of all receipts and expenditures made by them. The Clerk of the Com-

mon Council shall keep a register, and sign the certificates of all Firemen appointed by the Commissioners. The Commissioners may employ a Clerk at a salary not exceeding eight hundred dollars, and removable by them.

§ 10. The Comptroller of the City of New York shall pay all bills for expenditures, when the same shall have been audited by the Finance Committee of the Common Council, and for salaries incurred by the Commissioners on account of the Fire Department, in accordance with this Act.

§ 11. The Chief Engineer and Assistant Engineers appointed by the Commissioners, shall constitute a Board, and have power to inquire into and examine the cause and origin of fires in the City of New York, and to compel the attendance before them of witnesses for that purpose.

§ 12. All persons who shall be appointed Firemen by the Commissioners of the Fire Department of the City of New York, shall while they continue such Firemen be members of the Fire Department of the City of New York.

§ 13. The representatives of the New York Fire Department shall assemble on the third Monday after the passage of this Act, and the said representatives shall then proceed to ballot for five persons, to be "the Commissioners of the Fire Department of the City of New York," and the five persons who shall receive the highest number of votes, shall be elected, and appointed as said Commissioners, and shall hold their offices for the next five years ensuing.

§ 14. It shall be the duty of the representatives of the Fire Department of the City of New York, to assemble on the third Monday next preceding the expiration of the time of service of the Commissioners of the Fire Department of the

City of New York, and there proceed to ballot for five persons to fill the said offices for the ensuing five years.

§ 15. The President and Secretary of the Fire Department of the City of New York, shall make to the Mayor and Common Council of said city a return, certified under their hand and seal, of the persons elected as such Commissioners, and they shall file a copy of such return in the office of the Clerk of the City and County of New York, and shall also cause a copy of the same to be published in at least four of the newspapers in the said city.

§ 16. Every person who, on the first day of January, in the year of our Lord one thousand eight hundred and forty-one, had been a Fireman of the City of New York during four, five, or six years, and who shall serve as such one year thereafter, and every person who on the said first day of January had been such Fireman for three years, or a less period of time, and who shall serve as such for so long a time thereafter as shall make the whole term of service six years, and every person who may have become such Fireman after said first day of January, and who shall serve as such for five years, shall be forever after such service, exempt from serving as a juror in any of the Courts of this State, and from all militia duty.

§ 17. Every person who may now be or may hereafter become a Fireman of the City of New York, shall while he continue such Fireman, and no longer, be exempt from taxes on personal property, provided the value of such property shall not exceed five thousand dollars.

§ 18. A majority of the Commissioners of the Fire Department of the City of New York, shall at all times be necessary, and shall have power to transact any business mentioned in this Act; and it shall be lawful for said Commis-

sioners to sue for any fines and penalties imposed by them under this Act, and all power and control over the Firemen and Fire Department heretofore vested in the Common Council of the City of New York, shall be in the hands of the Commissioners of the Fire Department of the City of New York.

§ 19. The first election for the Commissioners of the Fire Department of the City of New York, shall be held by the representatives of the Fire Department, on the third Monday immediately ensuing the passage of this Act, and no persons shall be appointed as Firemen by the Common Council of the City of New York after its passage; and the persons hereinafter named shall be the representatives entitled to vote at said election, or such persons who may have been elected as representatives in their stead by the Fire Companies, which they, on the fourteenth day of December, in the year of our Lord one thousand eight hundred and forty, did represent, viz. :

From the Engineers, Frederick D. Kohler ; Engine No. 1, Hiram Arents, Sylvester Sullivan ; No. 2, Joseph Swarts, Franklin Laughlin ; No. 3, James Gillmore, John W. Borches ; No. 4, James Tiebout, Mark Fowler ; No. 5, Norman McLeod, James C. Looker ; No. 6, Edward M. Hoffmire, John Kirkman ; No. 7, Josiah H. Watts, Charles Trotter ; No. 8, Sylvester Laing, John B. Erving ; No. 9, John S. Winthrop, jr., Edmund P. Willetts ; No. 10, Samuel Adams, John H. Renoud ; No. 11, Charles McDevit, John Johnson ; No. 12, James Jackson, James Hudson ; No. 13, Thomas Smyth, Seth W. Peckham ; No. 14, Wart W. Wilson, Owen W. Brennan ; No. 15, Charles L. Merritt, James H. Rich ; No. 16, Gerard D. Hopper, Andrew B. Taft ; No. 17, James Adams, Daniel Ketchum ; No. 18, William E. Noble, Martin B. Wallace ; No. 19, Charles W. Maquire, David S. Jacobus ; No. 20, Thomas Ridley, Philip Jordan ; No. 21, Michael Rupp, George P. McBair ; No. 22, Cornelius H. Van

Brunt, Sylvanus S. Townsend ; No. 23, George Slytes, James P. Adams ; No. 24, Thadeus Avery, Churchill L. Whiting ; No. 25, John T. H. Jackson, Arthur Gattence ; No. 26, Elijah C. King, Jesse Watson ; No. 27, Elias D. Brower, Abraham Bogart, jr. ; No. 28, James S. Anderson, John H. Buckley ; No. 29, John P. Teale, Albert P. Vorhis ; No. 30, George W. Gibbons, John Teele ; No. 31, Henry Arcularius, jr., George Van Gearor ; No. 32, John B. Miller, Albert Brush ; No. 33, William S. Luers, John Orsborne ; No. 34, David C. Boderich, James Weight ; No. 35, Erastus Pillacks, Richard Ditchett ; No. 36, Joseph T. Cell, Cornelius Day ; No. 37, John Fillesserve, Charles C. Talbot ; No. 38, Thomas Freeborn, jr., John M. Morrison ; No. 39, Leonel A. Myers, William Smith ; No. 40, Andrew Pas.uan, Edward Story ; No. 41, William G. Thomas, Andrew W. Day ; No. 42, Henry Suyder, James Kelly ; No. 43, Thomas R. Gary, Newbold Lawrence ; No. 44, Jacob Perny, William Dolbeer ; No. 45, Joseph H. Hoyer, James Maquire ; No. 46, William Tapper, George M. Smith ; No. 47, Samuel Barstow, Henry Blossom ; No. 48, Alexander G. Simpson, William W. Lawrence ; No. 49, Walter Brady, Horatio S. Concklin ; No. 50, Daniel A. Phoenix, James C. Burnham. Supply Company, Silas Lord, James H. Voorhees. Hook and Ladder Company No. 1, Hopkins P. Hall, Nehemiah Tunis ; No. 2, Edward Blanchard, William W. Woodruff ; No. 3, John J. Wuunenburgh, Robert Wale ; No. 4, Sidney B. Alley, John Lindsay ; No. 5, John P. Lacom, Whitman P. Halleck ; No. 6, Robert Horender, John R. Hopper ; No. 7, Lewis Child, Alexander M. Sturges ; No. 10, Samuel J. Waldron, Samuel Burchill. Wardens, 1st ward Henry Varmut, 2d ward William H. Hampton, 3rd ward Frederick E. Gibert, 4th ward George B. Mead, 5th ward Joseph Giraud, jr., 6th ward Enoch Dean, 7th ward Peter G. Sharp, 8th ward John Fream, jr., 9th ward Abraham Vannest, jr., 10th ward Charles B. Beach, 11th ward Samuel Allen, 12th ward John B. Peck, 14th ward Nathaniel Finch, 15th ward Carlisle Norwood,

16th ward William H. Adams, 17th ward Thomas I. Ireland. The Hydrant Company, William Engs, Theodore Rich. Hose Company No. 1, Adolph F. Orkerhausen, Alfred Emanuel; No. 2, Alfred T. Smith, William A. Walker; No. 3, Peter Dubois, William Francis; No. 4, Joseph Mead, Piere A. Deceva; No. 5, Jonathan C. Ayres, William T. Graham; No. 6, John T. Klots, Gilbert Loder; No. 7, Elias Haviland, Samuel Thompson; No. 8, Henry B. Hinsdale, George B. Rollings; No. 9, Eugene C. Thompson, William M. Thorburn; No. 10, Gilbert Vale, John T. Barnard; No. 11, William J. Green, Edward Day; No. 12, Stephen Kane, William P. Wallace; No. 13, Cornelius C. Glashan, Joseph E. Hendrick; No. 14, William Tavis, Henry A. Burr; No. 15, John Finch, Howard E. Coates; No. 16, Isaac E. Cotheal, Hunderson Moore; No. 17, William N. Romaine, George A. Romaine; No. 18, William Durant, James G. Stafford; No. 19, Jonas N. Phillips, Charles Missing; No. 20, Richard Williams, Joseph H. Smith; No. 21, George H. Titus, James H. Sturges; No. 22, Alexander McPherson, Patrick Ryan; No. 23, Charles I. Coggill, John R. Flanagan; No. 24, Edward Lockwood, John F. Smith. Pearl Hose Company, Cornelius L. Hope, Nathan Lane. Third ward Hose Company, Joseph L. Veran, Jacob T. Schoonmaker.

§ 20. All Acts and parts of Acts inconsistent with this Act are hereby repealed, and this Act shall take effect on the third Monday immediately ensuing the passage thereof.

§ 21. This Act shall apply to all persons who are now Firemen, Engineers or persons now holding any office in the Fire Department, as well as to such as may hereafter be appointed by the Commissioners.

PLAN
FOR THE
GOVERNMENT
OF A
PAID FIRE DEPARTMENT.

1st. The Department to be managed by Commissioners, three of whom to be appointed by the Common Council, three by the Insurance Companies, and those six to appoint a seventh, if necessary, and to receive a compensation for their services.

2d. The Commissioners to employ a Chief and other Engineers, and as many Firemen to manage the apparatus as they might deem necessary, and to pay them for their services as should be agreed upon.

3d. The Commissioners to pay for repairing the apparatus, new machines, and generally all other expenses necessary to keep the department in good condition, and report and publish, if required, a detailed account of their expenditures, and to take an oath faithfully to perform the duties of the office, and without political or personal considerations.

4th. The Corporation of the City to pay \$ _____ on account of the expenses of the Department, to the said Commissioners, in quarter-yearly payments.

5th. A joint application to be made to the Legislature by the Common Council and the Insurance Companies, for the

passage of a law to carry out the foregoing views. Such law also to provide that all agencies from other States, Surveyors, or persons receiving premiums in the City of New York for insurance against loss or damage by fire in said city, shall pay to the said Commissioners five per cent. of the premiums received by them on account of the expenses of the Department; and such persons to give bonds in the sum of \$5,000 for the payment of the same. And also that the Fire Insurance Companies of the City of New York shall pay to said Commissioners the amount that the expenses of the Department shall exceed the receipts by them from the Common Council and insurers from other States, as aforesaid, in proportion to the sum they shall respectively have at hazard in this city.

6th. This arrangement to be subject to amendment, modification, or repeal, after one year, at the option of the Common Council or the Insurance Companies.

The members of the present Department to be offered the option of serving out their time under the present law, or if they object to do so in connection with a certain proportion of paid men, then to allow them their privileges without further service; and the Commissioners to employ them in the Paid Department as far as may be desirable.

DOCUMENT No. 52.

BOARD OF ALDERMEN,

FEBRUARY 8, 1841.

*Report of the Committee on Wharves, Piers and Slips,
on the petition of Mr. N. Pearce, relative to pier be-
tween Clinton and Montgomery Streets, East River.
Laid on the table and ordered to be printed.*

SAMUEL J. WILLIS, CLERK.

The Committee on Wharves, Piers and Slips, to whom was referred the annexed report from the Board of Assistants, on the petition of Mr. Pearce, relative to a pier in the East River, between Clinton and Montgomery streets, respectfully

REPORT:

That they concur in the facts and conclusions stated in the report of the Committee of the Board of Assistants; but recommend an amendment to the resolution adopted by that Board, by adding thereto the following, viz:

Subject to such authority and directions in relation to the said pier as the Mayor, Aldermen and Commonalty of the City of New York may exercise according to the Laws of this State, and the ordinances of the said Corporation.

FREEMAN CAMPBELL,
WM. CHAMBERLAIN,
CALVIN BALIS.

BOARD OF ASSISTANTS,

DECEMBER 7, 1840.

THE Committee on Wharves, Piers and Slips, to whom was referred the annexed petition of Mr. Pearce for a confirmation of a permission given by the Street Commissioner to build a pier into the East River, between Clinton and Montgomery streets, respectfully

REPORT:

That pursuant to a petition of Messrs. Pearce and Stevenson, for the building of piers into the East River, between Clinton and Montgomery streets, a resolution was adopted by the Common Council in November, 1838, on the recommendation of the Committee on Wharves, directing the building of a pier into the said basin, at the expense of the owners on the slip, under the direction of the Street Commissioner. Public notice of the said resolution was accordingly given by the Street Commissioner, in conformity to law, by publishing the same in two of the daily newspapers of the city, for six weeks successively, and requesting all persons concerned to signify, in writing, to the Street Commissioner, within six weeks of the date of such notice, their intention to contribute their proportion of the expense of building the aforesaid pier; or not to contribute thereto, as they might deem expedient; and informing all those interested in the water front within the limits described, that if they should

refuse or neglect to comply with the directions aforesaid, and not contribute their relative proportions of the expense, that they would thereby forfeit all their interest in the wharfage arising therefrom, agreeably to the Act of the Legislature in such case made and provided.

The Act provides that the notice referred to shall be deemed a sufficient notice, and that if the owners of the water front shall refuse or neglect to conform to the direction of the Common Council in respect to building piers in front of their respective grants, that the Corporation may build the piers and enjoy the use for their own benefit; or may grant the right and privileges to others.

Pursuant to the said notice Messrs. Pearce and Stevenson addressed the annexed note to the Street Commissioner, setting forth that they were lessees "having the same right and privileges as is possessed by the owners of the soil, to the bulkhead between Clinton and Montgomery streets, adjoining the contemplated pier, and expressing their willingness to build the said pier at their own expense, according to the ordinance of the Common Council directing the same."—They were^e the only parties who signified any intention in the matter, and after the elapse of the period directed by law for this purpose, the Street Commissioner gave the permission to build the pier, of which the annexed is a copy, it being understood by the Committee on Wharves, that the petitioners were to have the privilege, if no other persons, having superior interests therein, should claim it.

The pier has been built by Mr. Pearce, who is the sole owner, at an expense of about twelve thousand dollars, and he has been ever since in the uninterrupted enjoyment thereof; but having recently had occasion to obtain a loan on the pier, he has found difficulties in effecting it from the tenure of the permission to build it; it being from the Street Commissioner, instead of the Mayor, Aldermen and Commonalty as expressed in the law. He therefore asks that the permission given by the Street Commissioner may be ratified or

confirmed by the Common Council. The resolution to build the pier is as follows:

Resolved, That a pier be built in the slip between Clinton and Montgomery streets, at the expense of the owners on the said slip, under the direction of the Street Commissioner; said pier to be thirty feet wide, and to extend from South street 243 feet into the East River, distant 140 feet from the pier at Clinton street.

Resolved, That the Street Commissioner be directed to issue the legal notices in relation to the same.

Adopted by the Board of Aldermen 19th Nov. 1838.

Adopted by the Board of Assistants 26th Nov. 1838.

Approved by the Mayor 30th Nov. 1838.

The Committee consider the request reasonable and proper. In view of the foregoing facts, they have conferred with the Counsel on this subject, who has informed them that there can be no legal objection to granting the petitioners' request. The Committee therefore offer for adoption the following preamble and resolution:

Whereas, a resolution having been passed by the Common Council and approved by the Mayor Nov. 30th, 1838, directing a pier to be built in the slip between Clinton and Montgomery streets, at the expense of the owners on the slip, under the direction of the Street Commissioner; and the Street Commissioner having given the notice required by law relative to the building of the said pier by the owners, and requesting them to signify their intentions in regard to the same; and all the parties interested having refused or neglected to conform to the requirements of the said notice, except Messrs. J. D. Stevenson and N. Pearce, lessees of the property in front of which the pier was directed to be built, who expressed their willingness to build the same; and the

Street Commissioner having given them permission to build the said pier at their own expense and for their own benefit, therefore

Resolved, That the permission given by the Street Commissioner to J. D. Stevenson and N. Pearce, to build a pier into the East River, between Clinton and Montgomery streets, of which the annexed is a copy, be confirmed.

WM. L. WOOD,
JACOB A. WESTERVELT,
JAMES POLLOCK.



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DOCUMENT No. 53.

BOARD OF ALDERMEN,

FEBRUARY 8, 1841.

The Majority of the Committee on Laws, &c., to whom had been referred a Communication from the Comptroller, and a Petition in relation to the payment of the Salaries of the Associate Judges of the General Sessions, presented the following report thereon. Whereupon the report and first resolution was laid on the table and ordered printed: the second resolution was adopted, and directed to be sent to the Board of Assistants for concurrence.

SAMUEL J. WILLIS, CLERK.

The Law Committee, to whom was referred the annexed petition and communication of the Comptroller, in relation to the payment of the salaries of the Associate Judges of the Court of General Sessions,

REPORT:

That the law for the new organization of the Criminal Courts in the City of New York was passed, notwithstanding

ing the remonstrance of the Corporation of the City against the same, and only by a majority vote. The question presented for the consideration of your Committee is, whether a flagrant and unconstitutional violation of the Charter should be submitted to.

Anterior to the passage of the Act of 1840, the Court of Sessions was organized under the provisions of the Charter, and of the Acts amending the same, in a manner perfectly satisfactory to our citizens, as expressed by their representatives, both in the Municipal Government and in the Legislature of the State; and yet a law has been passed, imposing upon the City, against her will, an additional burthen of expense, and substituting, as is claimed, an Associate Judiciary for the Criminal Courts, appointed by the Governor and Senate, in the place of those selected by the people, under the positive sanction of the City Charter and the Constitution of the State.

If the Legislature, in the exercise of its sovereignty, had provided, out of the State Treasury, for the salaries of the Judges who were thus forced upon our citizens, the law would have had some apology in the disinterestedness of its benevolence. But your Committee can view it in no other light than a gross attempt to provide, at all hazards, for favorite partisans; and if recent symptoms of development are to be illustrated by actual experiment, your Committee have no hesitation in drawing the reluctant conclusion, that a bold and presumptuous effort is at work, to turn the administration of our criminal justice into the channel of party machinery. For every reason, then, your Committee feel bound to advise the resistance, by all legal means, of this encroachment of State authority. If the Corporation do not thus oppose every constitutional resistance, in vain may it be said was she created a free city, by a sovereign power; in vain were franchises and privileges conferred upon her, and guarantied by the solemnity of an express contract; in vain has her Charter been recognized, and incorporated in the

Constitution of the State; in vain has that Constitution provided that it shall require the assent of two-thirds of all the members of the Legislature to every bill altering any body politic; and, above all, in vain has the Constitution of the United States provided that no State shall pass any law impairing the obligation of contracts. The Charter of the British King, confirmed by his covenant and his seal, and entered into before the ties of relationship were severed by the blood-stained field of Lexington, survived the revolution, and was adopted by the People of this State, as if made by themselves. Its provisions were as much proof against the encroachments of the Crown, as those of Magna Charta itself. It now stands in the form of a solemn treaty, recognized as part and parcel of our State Government. Under the claim of its privileges, our free city entered into convention to form a State Constitution, and by express provision she was allowed to remain under its protection. The City of New York still owes to the State all the allegiance which belongs to her as the parent government; but she is entitled, in return, to the protection and security of the strong arm of that government, which, as it is truly American in character, will enforce the obligation of all duties, and the good faith of all contracts.

The Legislature have sought to avoid the odium of laying a direct tax upon the people, and have made no other provision for their Judges than a resort to the funds of the Corporation. Your Committee are of opinion that the Legislature are invested with no more power to take the money of our City Corporation out of its Treasury, than they have to resort to the funds of any other institution in the country; and that if this attempt can succeed, there is no security against unlimited encroachment. Your Committee therefore deem that no course is left for the Common Council to pursue, than to petition the Legislature for a repeal of the law, and to resist its provisions, in every legal form as unconsti-

tutional and void. They accordingly recommend the adoption of the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

JOSIAH RICH,
JAMES FERRIS.

DOCUMENT No. 54.

BOARD OF ALDERMEN,

FEBRUARY 15, 1841.

Alderman WOODHULL presented the following Draft of an Ordinance in relation to Firemen and the Fire Department of the City of New York. Which was referred to the Special Committee of which Alderman Nichols is Chairman, and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

AN ORDINANCE

CONCERNING THE FIREMEN AND FIRE DEPARTMENT OF
THE CITY OF NEW YORK.

The Mayor, Aldermen and Commonalty of the City of New York, in Common Council convened, do ordain as follows:

Section 1. The Firemen of the City of New York shall hereafter be appointed by, and be under the control, supervision and direction of five Commissioners, to be known

as "The Commissioners of the Fire Department of the City of New York," and who shall be citizens and inhabitants of said city.

§ 2. The said Commissioners shall be elected by the representatives of the New York Fire Department, and shall hold their offices for one year, and until others shall be elected in their places.

§ 3. The Chief Engineer, and seven Assistant Engineers, or as many Assistant Engineers as, in the judgment of the said Commissioners, may be necessary, shall hereafter be nominated by the members of the Fire Department, from the whole body of Firemen, to the said Commissioners for appointment, according to such rules and regulations as may be prescribed by the Commissioners for that purpose, and shall hold their offices respectively for years, and until others are nominated and appointed in their places.

§ 4. Whenever a vacancy shall occur in either of the offices of Chief Engineer or Assistant Engineers, a special election shall be held, pursuant to the provisions of the next preceding section, to supply such vacancy until the next regular election.

§ 5. In case of any vacancy in the office of Chief Engineer, the senior Assistant Engineer shall discharge the duties of Chief Engineer until the vacancy shall be filled.

§ 6. It shall be the duty of said Commissioners to appoint, from time to time, a sufficient number of honest, sober and discreet persons, to be Firemen of the City of New York; they shall have power to make all such by-laws, rules and regulations as, in their judgment, may be necessary for the good government of the said Firemen, and the well being of the Fire Department; they shall have power to suspend or remove any of the Firemen so appointed by them, or hereto-

fore appointed by the Common Council, either for neglect of duty, disobedience of orders, riotous or disorderly conduct, violation of the laws, or for any other good cause shown; they shall have power to assign or transfer any Fireman to any Company, or to take charge of any fire apparatus, as to them shall seem proper.

§ 7. The said Commissioners shall also have power to establish such regulations as they may deem necessary, in relation to the performance of the duties of the said Firemen, and the charge, management and working of their apparatus, and also in respect to the distinguishing badge of Firemen when on duty, and the preservation of order and peace at fires; and they shall have power to impose such fines and penalties for the enforcement of such by-laws, rules and regulations as may be deemed necessary and proper; and when paid, they shall pay the same over to the Treasurer of the New York Fire Department.

§ 8. All persons who shall be so appointed Firemen by the said Commissioners, shall, while they continue such Firemen, be members of the Fire Department.

§ 9. The representatives of the Fire Department shall assemble on the third Monday after the passage of this ordinance, and the said representatives shall then proceed to ballot for five persons to be "the Commissioners of the Fire Department of the City of New York," and the five persons who shall severally receive the highest number of votes shall be declared to be elected as said Commissioners, and shall hold their offices for one year next ensuing.

§ 10. It shall be the duty of the representatives of the Fire Department to assemble annually on the third Monday next preceding the expiration of the time of service of the said Commissioners, and then and there proceed to ballot for five persons to fill the said office for the ensuing year, and they

shall immediately thereafter make a return of the persons so elected as such Commissioners, to the Mayor and Common Council of said City.

§ 11. The said Commissioners shall semi-annually, and as much oftener as may be required by the Common Council or either Board thereof, report to them a statement of the number, force and general condition of the Fire Department, together with all such other information in relation to the Fire Department as may from time to time be required of them.

§ 12. The said Commissioners shall have no power to establish or enforce any rules or regulations, or do any act whatever which may conflict with any ordinance of the Common Council of said City.

§ 13. A majority of the said Commissioners shall be sufficient to constitute a quorum for the transaction of any business which they are authorized to do under and by virtue of this ordinance.

§ 14. This ordinance shall apply to all persons who may be Firemen, Engineers, or persons holding any office in the Fire Department at the time of the passage thereof, as well as to such as may thereafter be appointed by the said Commissioners.

§ 15. Such ordinances and parts of ordinances heretofore passed as are repugnant to the provisions of this ordinance are hereby repealed.

§ 16. This ordinance shall take effect on the third Monday next after the passage thereof.

§ 17. Nothing contained in this ordinance shall deprive the Common Council of the power to repeal or alter the same at any time they think proper.

DOCUMENT No. 55.

BOARD OF ALDERMEN,

FEBRUARY 15, 1841.

Report of the Law Committee, on the Communication of the Street Commissioner, relative to amending a law in relation to assessments; and also relative to a change in the present mode of publishing Corporation Notices. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Law Committee, to whom was referred the two annexed communications of the Street Commissioner, recommending an amendment of a law relative to giving notices of assessments; and also a change in the present arrangement of publishing the Corporation notices, respectfully

REPORT:

That they have had the subject some time under consideration, and that it involves questions of a serious and important character.

By the annexed communications of the Street Commissioner, it appears that the present method of giving public notice of the Corporation proceedings, by publishing the same in the several papers employed by the Corporation, who receive an annual allowance of one hundred dollars each for that purpose, is very loose and irregular, and therefore calculated to mislead the public—some of the papers giving the notices but one or two insertions, and sometimes entirely omitting them; the sum allowed by the city being deemed by them inadequate compensation.

It also appears that a law in relation to assessments was passed at the last session of the Legislature, requiring notices of assessments to be published in ten papers for ten days successively, and that the said provision cannot be complied with, under the present arrangement with the Corporation papers, without great additional expense:—the several papers demanding to be specially paid for inserting these particular notices the requisite number of times, and furnishing the necessary affidavits of their due publication.

The Street Commissioner recommends that application be made to the Legislature to amend the law, so as to require the publication of the notices referred to, in such two of the daily papers as shall be designated by the Common Council, instead of ten papers, as at present; and that upon the passage of the said amendment by the Legislature, that the two papers selected be employed as the official organs of the city, for the regular and full publication of all Corporation proceedings and notices, to be compensated, by dividing between them the patronage now bestowed upon the ten papers at present employed.

The Committee are satisfied that the arrangement proposed will prove far superior to the present system; and that it will give to the Corporation proceedings and notices all the publicity that can be desired, and will at the same time diminish the expense and difficulties which are now experienced, and which are fully set forth in the annexed communications.

The Committee have therefore concluded to recommend the adoption of the resolution submitted by the Street Commissioner, and in addition thereto the following resolutions :

Resolved, That two daily papers be employed to publish the official proceedings of the Common Council under the direction of the Clerks of each Board, and all notices or advertisements furnished by any of the Corporation Departments or Officers, and that it be referred to the Finance Committees of both Boards to make arrangements with two of the daily papers as aforesaid, for the performance of such services, at such sum as the Committees may agree upon, not exceeding at the rate of five hundred dollars each per annum ; such employment to continue during the pleasure of the Common Council ; such arrangement to be reported to the Common Council for adoption ; and that all the papers other than such as shall be employed as aforesaid, now on the list of papers employed by the Corporation, be discontinued on and after the 15th day of May, 1841.

Resolved, That the papers to be employed as aforesaid, be required to publish such proceedings, notices and advertisements under a conspicuous head, on the inside of such papers, to be designated " Corporation Proceedings and Notices," and that upon any failure to do so, or to publish the notices the prescribed time, or furnish the necessary affidavits of publication, or in any other respect to conform to these resolutions, the Finance Committee or either of the departments be, and they are hereby directed to report the same to the Common Council.

Respectfully submitted.

C. S. WOODHULL,
JOSIAH RICH.

STREET COMMISSIONER'S OFFICE, }
JULY 27, 1840. }

The Street Commissioner respectfully reports to the Common Council that by a recent law of the State in relation to the collection of assessments and taxes in the City and County of New York, it is made the duty of the Assessors in any case of assessment to give notice of the completion of the assessment to all persons concerned, by publishing in ten of the daily newspapers for ten days successively. There are about this number of papers employed by the Corporation to publish the various Corporation notices, who receive one hundred dollars per annum each for such service. Many of these papers do not publish the notices with regularity or certainty: in some cases they neglect entirely to publish them. It is evident, therefore, that under the present arrangement a compliance with the law referred to cannot be effected, and that some special arrangement must be made, whereby the proprietors of these papers or their agents shall be required to make affidavits of the due publication of these particular notices: they are unwilling to do this at present unless specially paid, which would add to every assessment, if advertised separately, about thirty dollars, increasing the small assessments for wells and pumps about one-fifth. The undersigned has deemed it his duty to apprise the Common Council of the difficulty in which the subject is involved, in order that it may be referred to the appropriate Committee to report some other arrangement by which the public will be better served, without increasing the present expense. This may probably be done by requiring, under contract, the proprietors of the several papers, who receive the one hundred dollars, to publish the assessment notices as directed by law, and make affi-

davit of their due publication without additional charge ; or if they should be found unwilling to make such an arrangement, by withdrawing from them the amount now paid, and selecting some one paper for the purpose of publishing fully, and accurately, all Corporation notices, which when become a matter of public notoriety, would perhaps afford the necessary information, to our citizens, relative to the public business, with more certainty, and less inconvenience to them than the present loose system. The notices required to be published in more than one paper to be paid for specially to the proprietors of the papers in which they shall be published. The undersigned suggests, as the subject involves considerations of a legal character, that it be referred to the Law Committee.

JOHN EWEN,
Street Commissioner.

The Street Commissioner respectfully reports to the Common Council, that in July last he communicated to the Board of Aldermen information of the provisions of a law in relation to assessments, passed during the last session of the Legislature, requiring a more faithful publication of notices of assessments than could be effected under the present imperfect arrangement with the Corporation papers ; and suggested the expediency of substituting therefor, some other, and more satisfactory system, by which the expense would be diminished and the public be better served.

The undersigned again experiences the necessity of addressing the Common Council on this important subject. The provisions of law referred to require the publication of all notices of assessments in ten of the daily papers, for ten days successively. The several papers employed by the

Corporation, receive from the City Treasury an annual stipend of one hundred dollars each, for publishing the Corporation proceedings and notices. Their practice is, to give the notices one or two insertions, as is most convenient, and sometimes entirely to omit them; and they represent that they cannot afford to publish the notices in any other manner without extra compensation. The undersigned has found it necessary, therefore, for the purpose of conforming to law, to compensate the Corporation papers specially, for publishing these notices with regularity the prescribed time, and to charge the expense of the same in the assessments.

The undersigned is of opinion that no time should be lost in obtaining a modification of these provisions, which not only occasion increased expense, but subject the proceedings to the hazard of illegality, in case of failure on the part of either of the papers to publish the notices the prescribed time: he therefore recommends that application be made to the Legislature to amend the same, so as to require the assessment notices to be published in such two of the daily papers as shall be designated by the Common Council, instead of ten papers as at present; and that such two papers be employed as the official organs of the city, for the regular and faithful publication of all Corporation proceedings and notices, many of which are far more important to the public than the particular notices in question. These papers would be amply remunerated for such service, by bestowing upon them the patronage now distributed among ten papers, which would enable them to publish the notices with regularity, for a period of ten days, and afford citizens the opportunity of obtaining correct information relative to the public business.

The undersigned submits this subject to the Common Council as one of serious importance to the city. Some of the daily papers employed by the Corporation demand full price for publishing the assessment notices, which, if acceded to, would cost from thirty-five to sixty dollars for a single assess-

ment; and an incidental neglect, on the part of any one paper, to publish the full time, as before stated, might cause a question to arise as to the legality of the proceedings; and would, at all events, be sufficient to obtain an order from the Court of Chancery to stay the collections on the assessments.

The undersigned recommends that this communication, and the resolution herewith submitted, be referred to the Law Committee.

JOHN EWEN,

Street Commissioner.

Resolved, That the Counsel of the Corporation, under the direction of the Committees on Laws of both Boards, apply to the Honorable the Legislature, for an amendment of the second section of the Act entitled "An Act in relation to the collection of assessments and taxes in the City and County of New York, and for other purposes," passed May 14, 1840, by striking out the word "ten," in the seventh line, and inserting the word "two;" and by striking out the word "it," in the eighth line, and inserting the words "as shall be designated by the Common Council; the notice," so that the section as amended will read as follows, viz.:

Sec. 2. It shall be the duty of all Commissioners and Assessors, authorized to make any estimate and assessment for any improvement, to give notice to the owner or owners, and occupant or occupants of all houses and lots, and improved or unimproved lands affected thereby, that they have completed the estimate and assessment; such notice shall be published daily, in at least two of the daily newspapers, for ten days successively, as shall be designated by the Common Council. The notice shall describe the limits embraced by such assessment, and shall contain a request for all persons whose interests may be affected thereby, and who may be opposed to the same, to present their objections in writing, to the Chairman

of the Commissioners or Assessors, within ten days from the date of such notice; and if, after examining such objections, the Commissioners or Assessors shall not deem it proper to alter their assessment; or having altered it, there shall still be objections to the same, it shall be their duty to present such objections, with the assessment, to the power authorized to confirm the same; but nothing herein contained shall conflict with, or render invalid, the Act entitled "An Act to reduce several laws, relating to the City of New York, into one Act," passed April 20th, 1839.

DOCUMENT No. 56.

BOARD OF ALDERMEN,

FEBRUARY 15, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an Ordinance to provide for the
accountability of the Executive Committees of the
Common Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs of the Board
of Aldermen, in accordance with the ordinance, respectfully

REPORT :

That at the regular meeting of the Committee on Friday
evening, February 5th, at which were present Alderman
Smith and Alderman Nichols, and also Assistant Aldermen
Vandervoort and Penny, the Superintendent of Buildings
presented the bills for the past fortnight, which the Com-
mittee audited and allowed, amounting to three thousand
and fifty-six dollars and ninety-five cents, of which fourteen

hundred and eighty dollars and twenty-two cents were for workmen's wages, and fifteen hundred and seventy-six dollars and seventy-three cents for materials and supplies;— eighteen hundred and eighty-eight dollars of the bills allowed being on account of the Fire Department, and the balance on the general account of repairs and supplies.

Which is respectfully submitted.

ELIAS L. SMITH,
SAMUEL NICHOLS.

DOCUMENT No. 57.

BOARD OF ALDERMEN,

FEBRUARY 15, 1841.

Report of the Joint Committee on Fire and Water, in compliance with an Ordinance "to provide for the Accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

The Joint Committee on Fire and Water, in accordance with the requisition of the ordinance "to provide for the accountability of the Executive Committees of the Common Council, respectfully

REPORT:

That at a meeting of this Committee, held the fifth instant, the undersigned, a majority of the Committee, were present. Several bills were presented and allowed by the undersigned, and a requisition drawn upon the Comptroller

to pay the same, signed by them, for the amount, say \$2,511 75, and to be charged as follows, viz.:

To the Fire Department, for 1 month's services of bell ringers	\$ 620 00
To the reservoir for water supplied by the Man- hattan Company	1,711 65
Do. do. for labor and materials ..	180 10
	<hr/>
	\$2,511 75

Respectfully submitted.

SAMUEL NICHOLS,
D. C. PENTZ,
ABRAHAM HATFIELD.

New York, February 8, 1841.

DOCUMENT No. 58.

BOARD OF ALDERMEN,

FEBRUARY 15, 1841.

Report of the Committee on Ferries in favor of Renewing the Lease of the Powles Hook Ferry. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Ferries, to whom was referred the report which was made to the Board of Aldermen, April 27, 1840, being Doc. No. 71, in favor of renewing the lease of Powles Hook Ferry, respectfully

REPORT:

That they have given the subject a careful examination. The report above alluded to, and to which the Committee refer, sets forth how the present association became possessed of the lease of said ferry from the original lessees:—that it was an unprofitable concern to them, and that the present association have not been fully indemnified for the heavy expenses to which they have been subjected, but they state

"they are of an opinion that by a strict attention to the proper management of the ferry, and from the increase of travel by the rail road, they may be more fully compensated."

Your Committee agree in the main with said report, so far as it will be calculated to promote the interest of this city, and accommodate those who have intercourse with us.

Your Committee have no reason to doubt that the present association have conducted this ferry in a manner that has met the approbation of that portion of the public that travel over said ferry.

Your Committee, after mature deliberation, would propose the following resolution for adoption in lieu of those proposed in the report referred to them :

Resolved, That the Counsel to the Board be directed to renew the lease of the Powles Hook Ferry to Jersey City, to the "Associates of the Jersey Company," under the advisement of the Ferry Committees, for seven years from the first day of May, 1841, at the rate of four thousand dollars per annum, payable quarter yearly. The lessees to keep the piers and fixtures in good order.

Respectfully submitted.

FREEMAN CAMPBELL,
JOSIAH RICH.

DOCUMENT No. 59.

BOARD OF ALDERMEN,

FEBRUARY 15, 1841.

Report of the Croton Aqueduct Committee, relative to their proceedings since January 1st, 1841. Ordered on file.

SAMUEL J. WILLIS, CLERK.

The Croton Aqueduct Committee, in obedience to an ordinance, entitled "An Ordinance to Provide for the Accountability of the Executive Committees of the Common Council," respectfully

REPORT :

That at a meeting of their Committee, held January 21st, 1841, present Aldermen Cooper, Nichols and Chamberlain, Assistant Aldermen Leonard, Wood and Vandervoort, the subject of revising certain contracts with Messrs. Ellicott & Brothers being under consideration, it was, on motion of Alderman Chamberlain,

Resolved, That no alteration should be made in the con-

tracts heretofore made with Ellicott & Brothers, of Baltimore.

On motion of Alderman Chamberlain,

Resolved, That certain contracts concluded by the Water Commissioners be submitted to the Counsel of the Corporation for his opinion.

Ordered, That Mr. Joseph W. Brick be allowed to supply the Corporation with as many six-inch water pipes of 315 pounds weight, to pass the established inspection and proof, as he can deliver before May 1, 1841. The number so deliverable shall not exceed two thousand pipes, and the price shall be fixed at the average of the prices of current contracts, *i. e.*, contracts upon which we are now receiving and paying for water pipes of the size in question; and the Aqueduct Commissioner is hereby directed to fix said average and communicate the same to Mr. Brick: but before he shall deliver any such pipe, he shall withdraw all pretensions for consideration for contracts justly forfeited by his not complying to the conditions of the same.

The bills, of which the following is a copy, were presented by the Aqueduct Commissioner, audited, and directed to be paid:

1841.

Jan. 9. Ellicott & Brothers, bill for cast iron water pipes, as per voucher A.....	\$5,932 08
" 17. Ellicott & Brothers, bill for pipes and castings, as per voucher B.....	3,152 50
" 19. Pay list of 1st Co. Aqueduct Workmen, as per voucher No. 1.....	329 19
" 19. Pay list of 2d Co. Aqueduct Workmen, as per voucher No. 2	211 76
Carried forward.....	<u>\$9,625 53</u>

	Brought forward.....	\$9,625 53
Jan. 19.	Pay list of 3d Co. Aqueduct Workmen, as per voucher No. 3	198 54
" "	Samuel S. Wandell, bill for repaving, as per voucher No. 4.....	124 25
" "	James Robertson, bill for stopcocks, as per voucher No. 5.....	1,214 50
" "	T. & G. Rowe, bill for stopcock and hy- drant castings, as per voucher No. 6.	277 56
" "	John S. Moffat, bill for stopcock boxes, as per voucher No. 7.....	289 50
" "	James McCullough, bill for lead, as per voucher No. 8.....	92 08
" "	James Walch, bill for lead, as per vouch- er No. 9.....	91 69
" "	Moore & Vanderbeck, bill for repairing, as per voucher No. 10.....	62 88
" "	John H. Bowie, bill for leather for prov- ing cushions, as per voucher No. 11.	49 60
" "	A. Smith, bill for repairing sewers, as per voucher No. 12	17 63
" "	Thomas Maher, bill for carting, as per voucher No. 13	50 75
" "	Patrick Gallagher, bill for carting, as per voucher No. 14	22 13
" "	Perez Reynolds, bill for carting, as per voucher No. 15	9 00
" "	Patrick Slavin, bill for carting, as per voucher No. 16	11 63
" "	John S. Cooper, bill for carting, as per voucher No. 17	10 50
" "	Thomas Miller, bill for carting, as per voucher No. 18	6 75
	Carried forward.....	\$12,154 52

Brought forward	\$12,154 52
Jan. 19. Thomas Miller, jun., bill for carting, as per voucher No. 19	6 00
" " Henry Salor, bill for carting, as per voucher No. 20	6 38
" " M. Carstine, bill for carting, as per vou- cher No. 21	6 37
" " H. Chaufaud, bill for carting, as per voucher No. 22	2 25
" " Office and petty bills, as per voucher No. 23	163 75
	<hr/>
	\$12,339 27

• The vote was unanimous on all the above proceedings.

PETER COOPER,
SAMUEL NICHOLS,
WILLIAM CHAMBERLAIN,
WILLIAM L. WOOD,
Croton Aqueduct Committee.

At a Meeting of the Croton Aqueduct Committee, held February 4, 1841, present Aldermen COOPER and NICHOLS, Assistant Aldermen LEONARD and WOOD, the bills, of which the following is a copy, were presented by the Aqueduct Commissioner, audited, and directed to be paid :

1841.

Feb.	3.	Joseph W. Bricks, bill for cast iron pipes, as per contract and voucher D	\$2542 68
"	3.	Pay list of 1st company aqueduct work- men, as per voucher No. 24	250 56
"	3.	Pay list of 2d company aqueduct work- men, as per voucher No. 25	194 89
"	3.	Pay list of 3d company aqueduct work- men, as per voucher No. 26	94 19
"	3.	James Robertson, bill for making stop- cocks, &c., as per voucher No. 27	892 00
"	3.	T. & G. Rowe, bill for castings, for stop- cock and hydrants, as per voucher No. 28.	185 40
"	3.	John S. Moffat, bill for repairing store- house, as per voucher No. 29	81 00
"	3.	C. St. John, bill for repairing hydrants, as per voucher No. 30	31 50
"	3.	Thomas Maher, bill for carting, as per voucher No. 31	32 75
"	3.	Patrick Gallagher, bill for carting, as per voucher No. 32	38 25
"	3.	Patrick Slavin, bill for carting, as per voucher No. 33.....	15 38
"	3.	Perez Reynolds, bill for carting, as per voucher No 34.	13 12
Amount carried forward			<hr/> \$4,371 72

	Amount brought forward.....	\$4,371 72
Feb. 3.	John S. Cooper, bill for carting	
	as per voucher No. 35	13 13
" 2.	Thomas Miller, bill for carting, as per voucher No. 36	13 13
" 2.	Thomas Miller, jun. bill for carting, as per voucher No. 37	13 12
" 2.	M. Carstine, bill for carting, as per voucher No. 38.....	13 13
" 2.	Wilson Small, bill for hammer and chairs, as per voucher No. 39.....	5 00
		<hr/>
		\$4,429 23

The vote by the Committee on the passing of the above bills was unanimous.

A full report on the contracts, made by the Water Commissioners, and other matters in relation to that department, will be presented when the opinion of the Counsel shall have been obtained upon the several subjects now under consideration.

PETER COOPER,
WM. CHAMBERLAIN,
SAMUEL J. NICHOLS,
WILLIAM L. WOOD,

Croton Aqueduct Committee.

Your Committee have thought proper to present the following table, showing the annual expense for water pipes and the expense of laying down the same, including the stopcocks, hydrants, &c., from the commencement of the work, which was in 1829:

1829.	Amount paid for reservoir expenses, water pipes, and laying down the same.....				\$38,151 71
1830.	Do.	do.	do.	do.	32,225 78
1831.	Do.	do.	do.	do.	40,274 46
1832.	Do.	do.	do.	do.	18,064 55
					<hr/>
					\$128,716 50
Deduct charges against reservoir included in } the above to date					47,638 22
					<hr/>
					\$81,078 28
1833.	Cost of water pipes and laying down the same, &c.				43,521 71
1834.	Do.	do.	do.	do.	36,140 22
1835.	Do.	do.	do.	do.	53,146 28
1836.	Do.	do.	do.	do.	25,100 74
1837.	Do.	do.	do.	do.	44,853 60
1838.	Do.	do.	do.	do.	24,661 61
1839.	Do.	do.	do.	do.	68,474 44
1840.	Do.	do.	do.	do.	249,176 64
					<hr/>
					\$626,153 52
					<hr/>

The quantity of pipe laid down up to the first of January, 1840, was about fifty miles; and sufficient pipe on hand for about eight miles, which was proved and ready to lay down.

Received of the Treasurer of the
Board of Directors of the
City of New York

the sum of \$100.00
for the purchase of
the City of New York

for the purchase of
the City of New York

for the purchase of
the City of New York

for the purchase of
the City of New York

for the purchase of
the City of New York

DOCUMENT No. 60.

BOARD OF ALDERMEN,

FEBRUARY 22, 1841.

Report of the Special Committee, on the petition of the Butchers of Clinton Market. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Special Committee, to whom was referred back the petition of the butchers of Clinton Market who occupy premium stalls, for a return of the premiums paid therefor, and to whom also were referred back the remonstrances of the butchers of Washington and Jefferson Markets against granting the same, and a resolution calling for the immediate repeal of the Market Laws, do

REPORT:

That your Committee have carefully re-examined the petition referred for their consideration, and have found it difficult to devise any plan by which equal justice can be done

to the butchers, and at the same time preserve the rights and interests of the city.

The petitioners ask to have their money returned, with interest; they urge that they had a right to expect and believe, when they made a purchase of their stalls, that the laws regulating the sale of fresh meats, would be continued and enforced.

This belief, they say, was based on the fact, that the Charter of the City gave the Common Council the power to prohibit all persons from selling fresh meat in any place, other than a public market; and as the Common Council have continued to exercise their authority under the Charter, from its commencement to the present time, by passing various laws regulating the sale of fresh meat, and also the qualifications of butchers: they further state, as a reason why their money should be returned, that when they were paying several thousand dollars, in addition to an annual rent, for a stall, they did not expect that other stalls would be put in the same market, in as good situations as theirs, and let for one quarter of the rent and interest that they were paying for their stalls. The butchers further stated before your Committee, that the great number of meat shops, now selling without a license, throughout the city, in connection with the great number of stalls put in the markets, and let at reduced prices, has brought about such a competition in their trade as to deprive them of the ability to get a living at their business; they therefore urge that their money may be returned, and recommend that the Market Laws may be enforced and the stalls re-rented upon some equitable principle.

Your Committee are led to believe from all the facts that have come to their knowledge, that the great cause of all the hardships that have been inflicted on the butchers, and the great difficulty that has been found in enforcing the law, have originated, not from a disposition on the part of the people to violate a necessary and wholesome law, but in the fact that our markets have been built far apart in some sections of the City, and of large dimensions and few in number,

that it has become a burden to a part of the community, by compelling them to go so far to find a market.

Your Committee would therefore suggest for the consideration of the Common Council, whether the true interest of this community would not be greatly promoted by converting into stores and tenements all those parts of markets that are either unoccupied or unnecessary for market purposes, which in the opinion of your Committee would form a fund sufficient to build a number of small markets that should be placed in such parts of the City as would furnish the greatest amount of convenience to the greatest number of the inhabitants.

By such a course (increasing the number of the markets) it is believed by your Committee that a great part of the difficulty that has hitherto attended the enforcement of the market laws, would be avoided, without injury to the regular butcher. Your Committee would further suggest, for the consideration of the Common Council, whether it would not be more equitable towards the butchers, and quite as well for the interests of the Treasury of the City, to allow all the butchers that wish to receive back the amount they have paid for premium stalls, and then re-let them in all the markets, under the direction of the Market Committee.

With respect to the resolution calling for the immediate repeal of the market laws, your Committee are by no means sure that a compliance with the resolution would promote the public interest, as there are many advantages obtained by having several stalls together, both as to the variety furnished, and the security from imposition, by the competition between the butchers, and the contrast between their meat. There are other advantages, from having meat sold in public markets, such as bringing together a proper variety of vegetables, and enabling the Inspector of the Market to see that nuisances are not created, and improper meat suffered to be sold.

Your Committee offer for the consideration of this Board the following resolutions:

Resolved, That the Market Committee be requested to propose a plan for the alteration into stores and tenements all those parts of markets that are now either unoccupied or unnecessary for market purposes, and also that they prepare plans for such number of small markets as they may deem necessary to meet the wants of the people. Said markets to contain not more than twelve or less than four stalls each.

Resolved, That application be made to the Legislature, for authority to include in the annual taxes of the city, an amount equal to that which has been received into the Public Treasury from the sale of all the premium stalls that have been sold by the Corporation in any of the public markets.

Resolved, That the Comptroller be authorized to issue the bonds of the city to such butchers as are willing to receive back the amount of premiums paid into the City Treasury by them, (without interest,) upon relinquishing their title to said stalls; said bonds to be payable as soon as the amount shall have been collected by the authority of a law of the Legislature authorizing the raising of money for that purpose.

Resolved, That the Market Committee be requested to report what in their opinion will be the most fair and equitable plan of collecting the revenue of the city from Markets, whether by fees, or by rent paid quarterly in advance, and also whether it would not promote the public interest, to require all certificates for stalls to be issued from and made only transferable on the books of the Comptroller.

Resolved, That the stalls in all the markets be rented under the direction of the Market Committee, subject to all the laws regulating the sale of fresh meats.

PETER COOPER,
C. BALIS,
FREEMAN CAMPBELL.

DOCUMENT No. 61.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

Report of the Committee on Ferries, in favor of Leasing to the Williamsburgh Ferry Company the ferries from Grand street, New York, to Williamsburgh ; likewise the ferry from Peck slip to South Seventh street, Williamsburgh. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Ferries, to whom were referred the several petitions of the Williamsburgh Ferry Association, of which Daniel Jackson, Esq., is President, of the Williamsburgh Union Ferry Association, and of the Citizens of Williamsburgh, in relation to ferries between that village and the City of New York, respectfully

REPORT:

There are two ferries at present in operation between Williamsburgh and this city, the Peck Slip Ferry Association having been discontinued in consequence of its inability to support itself. Under these circumstances, the people of

Williamsburgh are forced to cross the East River at the foot either of Grand or Houston streets, a great distance from the business parts of the city, thus imposing upon them greater inconvenience and hardship than they have been subjected to for the past four years. Peck Slip Ferry was established in 1836, and many of our citizens, acting under the belief that it would be continued, made investments and effected improvements at Williamsburgh, which, perhaps, would not otherwise have been attempted. They are naturally anxious to continue the ferry, and your Committee, although they would have hesitated before recommending its establishment in the first instance, are disposed to think that its continuance would be fully justifiable. They have therefore deemed it their duty to report to that effect.

The Williamsburgh Union Ferry Association, who petitioned for a lease of the Peck Slip Ferry, together with a lease of the Grand Street Ferry, when the present lease of the Williamsburgh Ferry Company shall expire, consented some time since to surrender their claims, on condition that the last named company should receive a lease of both ferries, and continue them in operation, with two good steamboats to each ferry, charging at each no more than the present rates of ferriage. The citizens of Williamsburgh appear to be satisfied with this arrangement. These parties being contented with this arrangement, if it should be made by the Common Council, nothing remains to your Committee but to consider its effects upon the interests of this city.

The Committee propose to charge the Williamsburgh Ferry Company five thousand dollars per annum rent for the pier, bulkheads, &c., at Grand street; and three thousand dollars per annum for the same facilities at Peck slip. This is believed to be a sufficient rent for the slip under the circumstances. They also propose that the company be required to run two good and substantial steamboats on each ferry; subject to such regulations as to the time of starting, &c., as the Common Council, or the Joint Ferry Company

may prescribe. By these means a constant ferry communication will be maintained between Williamsburgh and the upper and lower parts of this city; thus enabling persons engaged in the business, to bring the produce of their farms or dairies from Long Island to this city by either ferry; promoting communication, and enabling, not only the citizens of Long Island but those of this city, to conduct their necessary business in either place, than they could in the absence of the Peck Slip Ferry. It may be said that if Peck slip were leased to steamboats, or used by other vessels, it would pay a better revenue to the city. This is very probable; but it appears to your Committee that the general interests of the city would be better promoted by the ferry, than by receiving a rent not greatly larger than that charged for the slip to the Ferry Company.

The Committee, after a full examination of the facts of the case, are of opinion that the Peck Slip Ferry should be continued; and as the present lessees of that ferry have withdrawn their boats therefrom, and thereby forfeited their lease, your Committee think that a lease should be given to the Williamsburgh Ferry Company for the Grand Street and Peck Slip Ferries, on such terms as will secure the Public Treasury against loss, and promote the convenience of our citizens.

For this purpose they offer the following resolutions :

Resolved, That a lease of the bulkhead and piers at the foot of Grand street, at New York, and the bulkhead and piers at the foot of Grand street, Williamsburgh, now occupied by the Williamsburgh Ferry Association, be granted to said association, for the term of seven years from the first of May, 1842, at a yearly rent of five thousand dollars, payable quarterly; the said company to keep the present bulkheads and piers in good repair, at their own proper costs and charges.

Resolved, That a lease of the bulkhead and piers at Peck slip, now leased to the Peck Slip and Williamsburgh Ferry Company, be granted to the Williamsburgh Ferry Association, for a term of eight years from the first of May, 1841, at the yearly rent of three thousand dollars, payable quarterly; said company to keep the bulkhead and piers in good repair, at their own proper costs and charges.

Resolved, That a clause be inserted in each of said leases, binding said company to run said ferries in accordance with the directions of the Ferry Committees of both Boards of the Common Council, during the existence of said leases, as to the hours of departure from either side, as to the character and number of the boats to be daily used on each of said ferries; and at no time shall there be less than two good steamboats employed on the Grand Street Ferry, and two good steamboats on the Peck Slip Ferry.

Resolved, That the Counsel of the Corporation, under the direction of the Ferry Committees of both Boards, prepare the leases for said ferries in accordance with the foregoing resolutions.

Respectfully submitted.

FREEMAN CAMPBELL,
JOSIAH RICH.

DOCUMENT No. 62.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

Report of the Minority of the Ferry Committee on the Peck Slip and Williamsburgh Ferry. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned, one of the Ferry Committee of the Board of Aldermen, to whom was referred several petitions and communications relating to the subject of ferries to the village of Williamsburgh, L. I. from Peck slip, and from the foot of Grand street in this city, differing with his colleagues of the Committee in the conclusions they have arrived at on one portion of the subject, respectfully asks leave to submit his views in a minority

REPORT:

The subject referred to your Committee is one of much interest to the city and to the parties who have memorialized the Common Council in the matter, and the Committee have

devoted much attention to it, having had several meetings for its consideration, and have had before them a number of persons interested by it. A lease was granted by the Common Council in April, 1836, for six years, (conditioned with a renewal for a further term of six years) to Abraham Boerum, George D. Strong, and their associates, of the northerly basin of Peck slip, with the right of ferry from thence to the foot of South Seventh street, Williamsburgh, upon condition of their running *two* good and substantial steam ferry boats to be approved by the Committees on Ferries, during the whole of the term granted, and if default should be made in payment of the rents, or neglect to fulfil the conditions of the lease, the Common Council were entitled to re-enter and possess the premises demised. In November last, written notice was received from George D. Strong, one of the associates, by the Comptroller, and submitted to this Board, "that the boats were withdrawn from the said ferry." For nearly a year previous thereto, there had been but one boat running on the ferry, and subsequent to the notice there has been no boat on the said ferry, and the slip remains idle and unoccupied encumbered with the floats, bridge, and ferry house, thus proving a virtual abandonment on the part of the lessees of the premises demised to them, and a total neglect to fulfil, on their part, the conditions of the lease as covenanted by them. It is therefore clear to the undersigned that the Common Council have a proper right to re-enter upon the premises granted, if they should so conclude.

A portion of the inhabitants of Williamsburgh who had been accommodated by the ferry from Peck slip to South Seventh street, and desirous of having such ferry continued, have associated themselves under the name of the Williamsburgh and New York Union Ferry Association, and have petitioned the Common Council for a grant of a lease of the Peck Slip Ferry, in connection with a lease of the ferry from the foot of Grand street, New York, to the foot of Grand street, Williamsburgh, upon the expiration of its present

term. This association say they are willing, on the granting of such united leases, to stipulate to keep at least two good and sufficient boats on each of said ferries, and to run a boat to some point in Williamsburgh, opposite the foot of Grand street in this city, and to appropriate all profits above *seven* per cent per annum to the improvement of said ferries; they further state "that the associates are entirely willing that the present lessees of the Grand Street Ferry should receive a renewal of their lease in connection with the lease of the Peck Slip Ferry, if they will engage to run the ferries upon the same conditions which the Union Association propose." "The Williamsburgh Ferry Company," to whom was granted by the Common Council, for fifteen years, from the first of May, 1827, a lease of the ferry, from the foot of Grand street in this city, across the East River to the foot of Grand street, Williamsburgh, by their petition ask for a renewal of their lease for fifteen years from the expiration of their present lease; to include a provision for the running of one boat from the foot of Grand street in this city, to South Seventh street, Williamsburgh. They further say, "that if it be required by the Common Council, this association will not decline entering into a stipulation to establish a ferry from South Seventh street, Williamsburgh, to Peck slip, on such terms as may be equitable in view of the large loss sustained by the former proprietors, who it is known were compelled to abandon it from that cause."

Each of the above applications are supported by a large number of names signed to the accompanying petitions. The undersigned has given the foregoing detail, that the subject may be presented in its connection; it is however only as to the continuation of the Peck Slip Ferry, that he differs with the majority of the Committee: this ferry having been discontinued and abandoned by the parties to whom it was granted, it becomes the province of this Board, in the opinion of the undersigned, to properly consider whether such ferry should be revived and granted to new parties.

Without remarking upon the motives that may have induced our predecessors to grant permission for the establishment of this ferry in the first instance, it appears to the undersigned that the grant operates as a virtual wrong to other parties, and an infringement upon the question of equal rights. A ferry, as understood by the undersigned, is the conveying persons, effects, &c. across a stream or body of water from a point on the one side to the nearest and most accessible point on the other, and a grant of a ferry from the proper authority to a company or individual, gives them the exclusive rights of receiving tolls or ferriage for the conveying of persons, &c. over such ferry within certain districts. This ferry, as it existed and as it is proposed to be revived, was from the foot of South Seventh street, Williamsburgh, to Peck slip in this city; thus in a measure passing the Grand Street Ferry, and actually crossing the ferries at Walnut street and Catharine street, and terminating in the centre of the business part of the city on the East River. Here then is seen an encroachment upon the rights of other ferries already established; they are restricted to points opposite each other, or which were most accessible at the time of their being granted; they are not permitted to run their boats to slips near the centre of business of the city, and with the same propriety might the lessees of the Walnut street, Catharine street and South Ferries ask for permission to terminate their ferries in this city at Peck slip or Fulton street, as these parties to seek at Peck slip a point for a ferry to and from Williamsburgh. Why is it that the Fulton Ferry is considered so valuable? Is it not because it communicates from a point nearest the centre of business in both the cities of New York and Brooklyn? If so, it can be perceived that giving to a point in Williamsburgh a ferry terminating at a point nearer the centre of the business of this city than other ferries whose tracks it crosses, is bestowing upon it an undue advantage, tending to the injury of these parties: and further, the point in this city at which this ferry should legitimately and properly terminate, to wit,

the foot of Grand street, is injured and deprived of the natural advantages belonging to it, the benefit of the business supposed to accrue to the vicinity of a ferry is diverted from this part of the city and carried to another. It is true it is all the same to the city at large, but to the particular section thus deprived of what would naturally and necessarily flow to it, proves to it a grievous wrong, and certainly deserves consideration on the part of the Common Council; perhaps in *fact* the benefits to this section, by having this ferry terminate here may not be great, but it is nevertheless *considered* by the inhabitants threabouts of much importance to them; while on the other hand, the establishing a ferry at Peck slip, is deemed by the residents of that vicinity, as an injury to their business: in proof of this a remonstrance signed numerously by the principal merchants and traders in and about Peck slip has been presented to this Board, asking that the said slip may be restored to its former use, and that the floats, piles, bridge and ferry fixtures be removed; and as to the income derived by the Corporation from this slip as used for a ferry, no argument can be made in favor thereof, for there is not a doubt that at least fifty per cent. more can be realized from it for other purposes than if it was leased for a ferry.

It is urged, on the part of those who are desirous of the continuance of the Peck Slip Ferry, that, owing to the existence of such Ferry, many persons were induced, in good faith, to invest in lands in Williamsburgh, and to establish manufactories there; that others have erected residences there, while they conduct their business in this city; and that the discontinuance of the ferry proves seriously to their injury; and that, in a measure, the Common Council are bound to continue the ferry, it having once been established. As to the inducements which led persons to locate in Williamsburgh, it was well known to the discerning and prudent, that the object of the parties who established the ferry was speculative; they had many building lots to sell in Wil-

liamsburgh; this accomplished, the ferry must take care of itself; and it was equally well known, that the ferry could not support itself, and that it must eventually go down; this has proved to be the fact. The company have sunk a very large sum in their efforts to keep up the ferry, but are, from necessity, obliged to abandon it. It will prove a losing concern to any company; and the association who ask for a lease of it are so well aware of such fact, that they will not take it unless connected with that of Grand Street Ferry that the profits of the one may be made to keep up the other. To the undersigned it does not appear proper nor right that the Common Council should be called upon to perpetuate a wrong principle because some individuals may have acted without due and sufficient discretion. The parties asking for the continuance of the ferry, have presented to your Committee statements showing the manufacturing establishments, with the capital invested therein, together with the number of inhabitants who are interested in having the ferry continued; they, however, admitted that about one-half of these manufactories existed previous to the establishing of the Peck Slip Ferry; thus proving that they could be maintained with the ferry accommodations then existing. It is true, from their showing, it appeared that distilleries and rectifying establishments had increased, and that the Peck Slip Ferry was very necessary for their continuance. How far this latter may aid in the argument of the advantages to be gained by reviving this ferry, the undersigned is unable to say. The petitioners also state, that the continuance of this ferry is indispensable to the prosperity of Williamsburgh: with this ferry persons can do their business in this city and can have their residences in Williamsburgh, to which they can have a more ready and rapid access, to and from their places of business and their dwellings, than by residing in the upper part of the city; in addition to which, they will escape the burthen of taxation in New York. This is, no doubt, an inducement for persons to reside in Williamsburgh,

but does not appear to the undersigned a very strong reason why such facility should be granted by reviving a ferry whose establishment is a wrong to other parties.

The undersigned is free to say, that he believes all proper avenues or communications to and from the city are for its advantage, and add to its prosperity and increase; and that the growth of the adjacent towns and villages indirectly aid the advancement of this city, and that he would be as ready as any member of this Board, to grant every facility of access to the city, by ferries or otherwise, that did not invade the rights of other parties, or of particular sections of the city; but that, viewing the application for the revival of this ferry in the light he does, and for the reasons herein before stated, he has come to the conclusion that, inasmuch as the establishment of the Peck Slip Ferry was a wrong in its inception, and the same having been abandoned by the lessees and reverted to the Common Council, and in consideration of the interest and benefit of the greater number of the citizens of New York, he believes it right and proper that the ferry should be finally discontinued, and Peck slip restored to its legitimate use, the accommodation of the general business to which it formerly was devoted. In accordance with the foregoing the undersigned presents the annexed resolutions:

All which is respectfully submitted.

ELIAS L. SMITH.

Resolved, That the Counsel of the Corporation be directed to take the necessary legal measures to annul the lease of Peck slip, and the right of ferry thereby granted, and to re-enter thereupon in behalf of the Corporation of this City.

Resolved, That the Street Commissioner, under the direction of the Committee on Wharves, Piers and Slips, cause the piles, floats, bridge and ferry fixtures to be removed from Peck slip, and the same rendered fit for occupancy, for business purposes.

DOCUMENT No. 63.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

Report of the Croton Aqueduct Committee, in compliance with an Ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

The Croton Aqueduct Committee, in compliance with the ordinance requiring Committees to report to either Board of the Common Council their proceedings, respectfully

REPORT :

That at a meeting of the Aqueduct Committee, held Feb. 17, at one o'clock, P. M., 1840, present Aldermen Cooper and Chamberlain, and Assistant Aldermen Wood and Leonard—the Aqueduct Commissioner presented to the Committee the following bills, which were audited and directed to be paid by a vote of all the members present :

Vouchers

No. 41.	Pay list 1st company aqueduct workmen	\$	259	32
" 41.	Do. 2d do. do.		62	57
" 42.	Do. 3d do. do.		78	50
" 43.	Do. 4th do. do.		68	81
" 44.	James Robertson's bill for stopcocks....		1,100	00
" 45.	T. & G. Rowe's bill for castings		420	53
" 46.	Samuel S. Wandell's bill for repairing		273	00
" 47.	John S. Moffat's bill for stopcock boxes		288	00
" 48.	John Richards' bill for lime for washing pipes		24	88
" 49.	Henry Chanfraud's bill for carting		24	75
" 50.	M. Carstine's bill for carting		18	38
" 51.	Patrick Gallagher's bill for carting		13	88
" 52.	Patrick Slavin's bill for carting		13	50
" 53.	Henry Salor's bill for carting.....		22	50
" 54.	Peres Reynolds' bill for carting		13	50
" 55.	Thomas Miller, sen. bill for carting ...		14	25
" 56.	Thomas Miller, jun. bill for carting....		14	25
" 57.	John S. Cooper's bill for carting		14	25
" 58.	Joseph W. Brick's bill for pipes.....		1,976	26
Total amount.....			\$4,701	13

PETER COOPER,
WM. CHAMBERLAIN,
WILLIAM L. WOOD.

DOCUMENT No. 64.

BOARD OF ALDERMEN,

FEBRUARY 22, 1841.

Annual Report of the City Inspector, of the new Buildings erected in the City and County of New York for the year 1840. Ordered on file and to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned respectfully reports to the Common Council—

That the number of buildings erected in the city during the year 1840, was 850, being an increase over the year preceding of 176. The following table shows the increase and decrease in the different wards :

Increase	1st	ward	1	Decrease	2d	ward	1
"	4th	"	22	"	3d	"	5
"	5th	"	4	"	10th	"	8
"	6th	"	15	"	11th	"	34
"	8th	"	23	"	14th	"	4
"	9th	"	32	"	15th	"	3
"	12th	"	7	"	17th	"	8
"	13th	"	18				
"	16th	"	117				63
			<hr/> 239				
			63				
			<hr/>				
Total increase....			176				

Respectfully submitted.

WILLIAM A. WALTERS,
City Inspector.

		Brick Dwellings.	Wooden Dwellings.	Wooden Dwellings and Stores.	Brick Dwellings and Stores.	Brick and Granite Stores.	Brick Stores.	Brick Shops.	Brick Stables.	Granite Banking House.	Brick Theatre.	Engine Houses.	Brick School Houses.	Brick Churches.	Other Buildings.	TOTAL.
1st ward * †.....	4	4			4	26	5	1	1							43
2d ".....						50										50
3d ".....	4					6										10
4th ".....	19				3	12		3	1							37
5th ".....	13				1		3	3			1					21
6th ".....	24							1								25
7th ".....	19				4	1	2	2	1			1	1			30
8th ".....	33				2	5										40
9th ".....	62	1			5		2	5					1	1	1	78
10th ".....	8				4			1								13
11th ".....	26				13			8	1							48
12th ".....	3	34	7		5			4	2			2		1	8	66
13th ".....	29				11		1	2	2					1	1	46
14th ".....	12				7		1		2							22
15th ".....	36				21								1	1	1	60
16th ".....	92	58	4		31		1	4						2		192
17th ".....	66				1			1	1							69
	447	93	11		112	100	15	35	10	1	1	3	3	6	11	850

* 1 Marble Custom House.

† 1 Granite Exchange.

STREETS.	Brick Dwellings.			Wooden Dwellings.		Brick Dwellings and Stores.		Wooden Dwellings and Stores.		Brick and Granite Stores.		Brick Stores.	Brick Shops.	Brick Stables.	Other Buildings.	TOTAL.
	2 story	3 story	4 story	2 story	3 story	4 story	2 story	3 story	4 story	5 story						
Allen	1					1										2
Attorney	1												1			2
Amos*																1
Anthony															1	1
Bank	3		2													5
Barrow†			1													2
Bleecker				1						2						3
Bowery						6	1									7
Broadway	4				7					1	6	1				19
Broome	1		5		2								1			9
Barclay	1															1
Bayard				1												1
Bedford												1				1
Bethune	3															3
Commerce	1															1
Catharine										3						3
Cedar										2	1					3
Centre	2					2	5									9
Cherry			2							3			2		1	8
Chrystie	1		2										1			4
Church†																1
Clinton	2		3													5
Columbia			4										2			6
Cannon§																1
Charles	6															6
Canal							3									3
Chapel	1															1
Charlton			6			1										7
Delancey	3		3			1							1			8
Division	1					1										2
Dominick	1															1
Doyer				1												1
East Broadway					1	2	1									4

* 1 Brick Engine House.

† 1 Brick Church.

‡ 1 Brick Theatre.

§ 1 Brick Church.

STREETS.	Brick Dwellings.			Wooden Dwellings.		Brick Dwellings and Stores.		Wooden Dwellings and Stores.		Brick and Granite Stores.			Brick Stores.		Brick Shops.		Brick Stables.		Other Buildings.		TOTAL
	2 story	3 story	4 story	2 story	3 story	4 story	2 story	3 story	4 story	5 story											
Eldridge	1														1						1
Frankfort																1	1				2
Franklin	1																				1
Front											2	2	7								11
Grand						2		2													4
Greenwich											1										1
Gouverneur			4												1						5
Greenwich lane			5		1	1															7
Hammersley			10												1						11
Harrison		1																			1
Horatio	3																				3
Hammond															1						1
Henry*†	1																				3
Hester		1																			1
Houston	1	3				9															13
Hudson			1												1						2
Jane			2																		2
James	1																				1
Jacob											1										1
John											32										32
Kingsbridge road				1														2			3
King			12																		12
Lewis		10													1						11
Leonard	1		9																		10
Ludlow	1																				1
Lafayette place			3																		3
Laurens			1																		1
Liberty											5	3									8
Leroy	1																				1
Minetto		3			1																4
MacDougal		3																			3
Madison	5	4															1				10
Mercer		3																			3
Monroe					1										1						2
Mott		7	1																		8
Mulberry	1	2	2										1								6

* 1 Engine House.

† 1 Brick School House.

STREETS.	Brick Dwellings.			Wooden Dwellings.	Brick Dwellings and Stores.		Wooden Dwellings and Stores.	Brick and Granite Stores.			Brick Stores.	Brick Shops.	Brick Stables.	Other Buildings.	TOTAL
	2 story	3 story	4 story	2 story	2 story	3 story	4 story	2 story	3 story	4 story	5 story				
Manhattanville														1	1
Mangin		4													4
Norfolk												1			1
Orange			1										2		3
Pearl									5	3					8
Pine									2						2
Pitt		4			1										5
Ridge		4			1	1									6
Rivington						2									2
Roosevelt	1	1	1												3
Reade	2											1			3
Rose						1									1
Sheriff	1				2								2		5
South									3	5	3	4			15
Spring		3										1			4
Stanton		1											1		2
Suffolk		3													3
Scammel		3													3
Troy	3	9					1								13
Tompkins						1							1		2
Thompson	1	5													6
Thomas		1													1
Vandewater		1													1
Vesey		1													1
Varick		2													2
Wall* † ‡									2	1					6
Washington	5												1		6
Water	1		1							1			1		4
West												8	3		11
Whitehall	1														1
Willett		1													1
William			1						3				1		5
Warren	1														1
Walnut		1													1
York		1													1

* 1 Granite Banking House.

† Marble Custom House.

‡ Granite Exchange.

STREETS.	Brick Dwellings.			Wooden Dwellings.		Brick Dwellings and Stores.		Wooden Dwellings and Stores.		Brick and Granite Stores.		Brick Stores.	Brick Shops.	Brick Stables.	Other Buildings.	TOTAL
	2 story	3 story	4 story	2 story	3 story	4 story	2 story	3 story	4 story	5 story						
1st avenue.			1										1			2
2d "			4													4
3d "					5	5	1	1					2		2	16
4th "			2	6	6		1									15
5th " *	7	4				1										14
6th " †	2														1	3
7th "	2															2
8th "		6	8	8	3	18	3	6				1			1	53
9th " †		1	4		2	1		1								10
10th "				5	1								1			7
11th "	2	6														8
Avenue D		3														3
1st street	3	11														14
2d "			6		1	1	1									11
3d "		29			2	3							1		2	35
4th "	10	7														17
5th "		2											1			3
7th "		2														2
8th "		3	4													7
9th "	2															2
10th "	1				3											4
11th "		15	2													17
12th "	6															6
13th "	1	7			2											10
14th "		2														2
15th " §			1													2
16th "		4	3		1											8
17th "	6	3	1					2								12
18th "		8	1													9
19th "	6	5	1		1			1					1			15
20th "		1														1
21st "		3	2													5
22d "		9														9
25th "		1														1

* 1 Brick Church.

† 1 Brick School House.

‡ 1 Institute for the Blind.

§ 1 Brick Church.

STREETS.	Brick Dwellings.			Wooden Dwellings.		Brick Dwellings and Stores.		Wooden Dwellings and Stores.		Brick and Granite Stores.			Brick Stores.		Brick Shops.		Brick Stables.		Other Buildings.		TOTAL
	2 story	3 story	4 story	2 story	2 story	3 story	4 story	2 story	3 story	4 story	5 story										
26th street	1																				1
27th "				13																	13
28th "	1			2																	10
29th "																					1
30th "	2																				2
31st "									1												1
33d "				3		1															4
34d "				2																	3
47th "				2											1						3
48th "				1																	1
51st "				2																	2
52d "				1																	1
60th "																	1				2
67th "				2																	2
68th "				2																	2
70th "																			1		1
76th "	1			2																	3
77th "				1																	1
79th "				2																	2
86th "				1																	1
93d "				1																	1
101st "				1																	1
117th "				1																	1
120th "				1															1		2
125th "				2																	2
127th "				1																	1
129th "																	1				1
146th "				1																	1
151st "				1															1		2
	118	261	71	93	28	63	21	11	53	30	17	15	34	10	13						850

DOCUMENT No. 65.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

Communication from the Counsel of the Corporation, transmitting the decision of the Supreme Court in the cases of Chapel street, Art street, Seventh avenue and Ninth avenue. Ordered on file and to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned herewith transmits to the Common Council the decision of the Supreme Court, on the application for a certiorari in the matter of the regrading of Chapel street, which also disposes of the several applications in the matters of the opening of Art street, the opening of the Ninth avenue, and the opening of the Seventh avenue.

The Chief Justice, to whom the application was made, and by whom the opinion is given, states that he had consulted with his brethren before making the final disposition of the motions. The decision may therefore be taken as that of the whole Court.

A decided opinion is given against the objection that the several assessments were void, because not made anterior to

the contracts and prosecution of the work. As to the calling of the ayes and noes and publication of the proceedings, the Chief Justice expresses the opinion that the requirement of the charter in this respect is not *imperative*, but only *directory*, and is not a condition to the validity of the ordinance.

These are important decisions, and affect a large class of cases now before several of the Courts. There are other questions however involved in several of them, and as to which the undersigned is in hopes of obtaining speedy decisions.

The main ground, however, upon which the decision is founded, is the great length of time which has been allowed to elapse since the confirmation of the assessments. The work having been done, and most of the assessments having been paid, and the consequences from invalidating the whole proceeding being so serious, that the Court refuse at this late day to allow the issuing of a certiorari, in analogy with the provision of law which forbids the issuing of a writ of error, after two years from the rendition of judgment.

Respectfully submitted.

P. A. COWDREY.

THE PEOPLE, ex. rel.
JACOB B. ELMENDORF, et. al.

vs.

THE MAYOR, ALDERMEN AND
COMMONALTY OF THE CITY
OF NEW YORK.

*Motion for certiorari to
bring up assessment
for regrading Chapel
street, from Duane to
Canal street.*

NELSON, Chief Justice.

It appears that as early as the 25th of April, 1836, the Board of Aldermen adopted a resolution, directing the Street Commissioner to report an ordinance for regrading *Chapel street*, from Duane to Canal street, and also the intersecting streets between Duane and York, according to lines drawn on a profile there referred to as on file in said Commissioner's office. The same was sent to the Board of Assistants, and adopted by them soon afterwards. That on the 10th of May, both Boards adopted the ordinance reported by the Commissioners for changing the grade of said streets, and repaving the same, and appointed three Assessors to make the necessary estimate and assessment. In May, 1836, the relator with others remonstrated to the Common Council against the contemplated improvement; but were induced to give up their opposition in consequence of representations by the Commissioners, or some of them, that the expense would be trifling, &c.

A written contract was made and entered into by the Street Commissioner for the work previous to June, 1836, and before the estimate and assessment formerly made.

It further appears that the expense of regrading and paving Chapel street, between Murray and Duane streets, and also a part of Varick street and St. John's lane, was included in the estimate and assessment, not embraced in the ordinance

of the Common Council—the amount however is comparatively trifling.

The Assessors made their estimate and assessment some time in the summer of 1837, and reported to the Boards, (the amount \$33,613 46,) and which was duly confirmed. In June, 1837, the Common Council were applied to by a number of persons interested for relief and to vacate the assessment. The Board of Assistants adopted resolutions granting the application, but the same were never acted upon by the Board of Aldermen. There are many other matters detailed in the affidavits on which the motion for *certiorari* is founded, not material to notice, from the view I have taken of it.

The opposing affidavit shows, that ten days' notice of the application for confirmation of the report of estimate and assessment was given in some ten of the city papers, inviting objections; and further, that about two-thirds of the assessment have been already paid by the owners.

From the above history of the proceedings it appears, that nearly five years have elapsed since they were commenced by the Common Council, and three and an half *since the confirmation* of the estimate and assessment of the Commissioners. In the mean time the several streets have been graded and paved, the sewers made, and two-thirds of the tax paid by the owners. The objections relied upon for obtaining the *certiorari* extend to almost every step, from the adoption of the original ordinance, 10th May, 1836, to the confirmation of the assessment, June, 1837, and no satisfactory reason is given for such great delay in applying for this remedy. Having a discretion over it, we are bound to regard the consequences that must press upon the city at this late day, if allowed, and regulate our judgment, in some measure, accordingly. It would be unjust and oppressive to interfere, if they have been greatly aggravated by the delay. We should also look into the probable effect of quashing the proceedings upon the parties themselves; for if the error is technical,

and nothing substantial will be gained, the certiorari should be withheld. In the exercise of a sound discretion over it, we cannot grant it where the fruits may be little more than a multiplication of costs and expenses, in addition to serious public inconvenience.

What, then, would be the legal effect of setting aside the assessment at this late day?

1. The loss of the costs and expenses of making it, and of the collection of two-thirds of the amount, which ordinarily is no inconsiderable sum; but I concede if the remedy be promptly sought this should not constitute a decisive objection.

2. The city, for ought I see, would immediately become subject to a suit by each person who has already paid his assessment—a somewhat formidable consequence when we see the list of tax payers embrace about one thousand persons.

3. She must also be subjected to the entire expense of the improvement unless a new assessment can be made consistent with the law.

What benefit would the persons assessed obtain:

If a re-assessment could not be made they would of course obtain exemption from payment of any part of the tax. But on looking at the Act, (R. S. of City, p. 131,) I am inclined to think this might be done, though it is unnecessary to express a definite opinion here. An estimate of the expense should doubtless be made before the contracts were entered into, or the work commenced; but I do not perceive the importance of the *assessment* before that period; and there is nothing in the Act making it expressly or of necessity a condition precedent.

The streets have been already graded and paved, and the common sewer made; these of course would remain undisturbed.

I am aware the Counsel also insist that the original ordinance, passed by the City Council 10th May, 1836, is void, and should be quashed.

1. Because the ayes and noes were not taken, nor the journal of the proceedings published according to the 7th section of the Charter ; (R. S. of City, p. 512;) and,

2. Because the Board of Aldermen and Assistant Aldermen were out of office, their term having expired on the 9th May.

As to the first ground, I am inclined to think the statute merely directory, and not imperative, or a condition to the validity of the ordinance. And as to the second, it is by no means certain that the Board might not act on the 10th. By the 4th section, (R. S. of the City, p. 512,) the election takes place on the second Tuesday of April, and the Aldermen are to be sworn into office on the second Tuesday of May thereafter. In 1836 this was the 10th day. They are chosen for one year. Section 3.

The general rule is, to exclude the day on which an act is to be done, from which time is to be computed in a statute. (2 Con. 606, and Ibid. 659.) These officers are elected for a year, and are to be sworn into office on a certain day, from which time their term begins—till then they are not Aldermen.

Even fractions of a day may be regarded; and, by common usage, the old Board may go out at noon of the 10th, when the new are qualified. In the absence of such usage I apprehend they hold to the end of that day.

I do not mean, however, to put the case on any view I might take of these objections. They are fundamental, and if sound show, that the whole proceeding is without authority, and all concerned trespassers—to which remedy the parties may resort, if they think proper.

I place my refusal upon the unreasonable delay in the application for the certiorari, and the serious consequences to the city which must necessarily follow the granting of it after such a lapse of time; after the improvement has been finished, and two-thirds of the assessments paid by the own-

ers. Even writs of error cannot be issued after two years from the rendition of the judgment. (2 R. S. 493, § 21.)

In analogy to this statute we should refuse a certiorari after the lapse of this period in an ordinary case, much more ought we in this one.

The right to exercise a discretion, and the principles upon which it should be regulated in these cases, will be found at large in the *People v. Supervisors of Allegany*, (15 Wend. 198.)

Motion denied without costs.

DOCUMENT No. 66.

BOARD OF ALDERMEN,

FEBRUARY 22, 1841.

Annual Report of the City Inspector of Firewood and Charcoal inspected and measured in the City and County of New York, for the year 1840. Ordered on file and to be printed.

SAMUEL J. WILLIS, CLERK.

*To the Honorable the Board of Aldermen
of the City of New York :*

The undersigned herewith reports the amount of firewood and charcoal inspected and measured in the City and County of New York.

WILLIAM A. WALTERS,
City Inspector.

ANNUAL REPORT,

ACCORDING TO THE RETURNS MADE TO THIS OFFICE, OF THE QUANTITY, AVERAGE PRICE,
AND VALUE OF THE

FIREWOOD AND CHARCOAL,

Inspected and Measured in the City and County of New York, during the year 1840.

MONTHS.	Number of loads of Net Wood.	Average Price.	Value.		Number of loads of Oak Wood.	Average Price.	Value.		Number of loads of Pine Wood.	Average Price.	Value.		Total number of loads of Oak and Pine.	TOTAL VALUE.	
			Dolls.	Cts.			Dolls.	Cts.			Dolls.	Cts.		Dolla.	Cts.
January	1239	\$3 25	4,026	75	6,605	\$2 71	17,899	55	3110	\$2 07	6,437	70	10,954	28,364	00
February	1154	2 78	3,108	12	7,622	2 39	18,216	58	2855	1 91	5,453	05	11,631	26,777	75
March	1807	2 48	4,481	36	14,183	1 94	27,515	02	4166	1 57	6,540	62	20,156	38,537	00
April	2404	2 56	6,154	24	17,587	1 82	32,008	34	5521	1 48	8,171	08	25,512	46,333	66
May	2192	2 50	5,480	00	14,564	1 76	25,632	64	5428	1 48	8,033	44	22,184	39,146	08
June	871	2 39	2,081	69	8,718	1 70	14,820	60	4291	1 50	6,436	50	13,880	23,338	79
July	1299	2 30	2,987	70	11,044	1 61	17,780	84	4092	1 37	5,606	04	16,435	26,373	58
August	2022	2 44	4,933	68	13,813	1 67	23,007	71	4978	1 51	7,516	78	20,813	35,518	17
September	2165	2 59	5,607	35	15,076	1 79	26,986	04	3982	1 51	6,012	82	21,223	38,606	21
October	2933	2 55	7,479	15	22,577	1 81	40,864	37	5460	1 44	7,862	40	30,970	56,205	92
November	3842	2 60	9,989	20	20,396	1 91	38,956	36	4480	1 58	7,078	40	28,718	56,023	96
December	1773	2 75	4,875	65	14,981	1 80	26,965	80	3714	1 54	5,719	56	20,468	37,562	01
	23,701	\$2 58	\$61,204	89	167,166	\$1 86	\$310,713	85	52,077	\$1 55	\$80,868	39	242,944	452,757	13

CHARCOAL REPORT.

1840. MONTHS.	Number of Tubs.*	Average Price. Cents.	Value. Dollars. Cts.
January, February and March..	26,950	30 $\frac{3}{8}$	8,192 85
April, May and June.....	116,534	24	27,961 28
July, August and September...	104,162	24 $\frac{1}{2}$	25,531 38
October, November & December	88,248	27 $\frac{3}{8}$	24,107 22
	335,895	25 $\frac{1}{2}$	85,792 73

* Tubs contain two bushels each.

The returns of the Inspectors of Firewood for 1840 show that during the year there was inspected 242,944 loads of wood, 14,732 loads less than during the year 1839. The expense to the citizens for wood was \$452,787 13.

The Measurers of Charcoal, according to their returns, have measured 335,895 tubs of charcoal, 32,611 tubs more than in the previous year. Although the quantity measured is larger, the cost of this kind of fuel was \$11,642 18 less than during the year 1839.

But few returns are made to this office of anthracite or Virginia coal weighed or measured.

Respectfully submitted.

WILLIAM A. WALTERS,
City Inspector.

DOCUMENT No. 67.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an Ordinance to provide for the
accountability of the Executive Committees of the
Common Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs of the Board of Aldermen, in accordance with the ordinance therefor, respectfully

REPORT:

That at a meeting of your Committee, on Friday 19th February, at which were present a majority of said Committee, and also the Committee of the Board of Assistants, the Superintendent of Buildings presented sundry bills for the semi-monthly pay, amounting to three thousand three hundred and forty-two dollars and sixty-three cents, which were

audited and allowed, and a requisition for the amount upon the Comptroller was signed by all the members of the Committees present. Of the above amount there were for

Workmen's wages applicable to the Fire Department	\$849 95
For materials, &c. for do. do.	867 69
Workmen's wages charged to repairs and supplies	671 89
For materials, &c. for do. do.	953 10
Amounting as above to.....	<u>\$3,342 63</u>

Under the head of Repairs and Supplies, are included expenditures for Wells and Pumps, Watch Department, Lamp Department, Streets, Markets, Prisons, &c.

All of which is respectfully submitted.

ELIAS L. SMITH,
SAMUEL NICHOLS,
FREEMAN CAMPBELL.

DOCUMENT No. 68.

BOARD OF ALDERMEN,

FEBRUARY 22, 1841.

*Report of the Committee on Wharves, Piers and Slips,
relative to a resolution to inquire into the delay in
making South street, between Pike and Market slips.
Laid on the table and ordered to be printed.*

SAMUEL J. WILLIS, CLERK.

Resolved, That the Committee on Wharves, Piers and Slips be instructed to ascertain and report, as early as possible, the causes which have retarded a compliance with the resolutions in relation to the filling up and making South street, from the west side of Market slip to the east side of Rutgers slip, which were adopted by both Boards, and approved by the Mayor in April and May of 1835.

Offered by Alderman RICH.

The Committee on Wharves, to whom was referred the annexed resolution to ascertain and report the cause of the

delay in complying with resolutions in relation to making South street, between Pike and Market slips, respectfully

REPORT :

That at the request of the Committee, the Street Commissioner addressed a note to Z. Ring, Esq., proprietor of the grant, in front of which the said street was to be made, desiring information as to what had been, or were being made for the accomplishment of the object in question, and received from him the reply hereunto annexed, which the Committee submit as a part of their report. They are of opinion that it is inexpedient for the Board to take any action on the subject, and ask to be discharged from its further consideration.

FREEMAN CAMPBELL,
CALVIN BALIS,
WM. CHAMBERLAIN.

JOHN EWEN, Esq.

Dear Sir—In your letter of the 18th instant you say you are instructed to ascertain from me the cause of the delay relative to building a bulkhead along the line of South street, in the East River, between Pike and Market slips, and what measures have been and are being taken to build the said bulkhead.

The line of bulkhead to be built by us was over 300 feet long, and the depth of water 42 feet. In compliance with the ordinance passed by the Honorable the Common Council, we immediately put the whole line under contract, and during the last summer completed about 170 feet of the bulkhead; that, together with a pier of about 230 feet long, and the improvements made on the line of bulkhead, by making commodious slips for the accommodation of ships and the building of hydraulic docks for raising the largest class of vessels, have been as much as we could do in one season.

The balance of the bulkhead, say 130 feet, will be commenced by the contractor as early in the spring as the weather will permit, say March or April, and finished with all possible despatch. We are very anxious to complete the line and make the improvements, and shall commence as soon as possible, and complete them during the summer.

I remain, with respect,

Your obedient servant,

Z. RING.

New York, 19th January, 1841.

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DOCUMENT No. 69.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

Annual Report of the Lessees of the Fulton and South Ferries. Ordered on file.

SAMUEL J. WILLIS, CLERK.

To the Hon. the Mayor and Common Council of the City of New York :

The lessees of the Fulton and South Ferries, herein enclosed transmit the annual statement required by their lease.

The whole amount of receipts from the two ferries for the year, is one hundred and forty thousand seven hundred and fifty one dollars and sixty five cents, (\$140,751 65.)

And the whole amount paid for expenditures, one hundred and thirty-five thousand and seventy-four dollars and eighty-six cents, (\$135,074 86.)

The amount of capital employed and paid in, is two hundred and three thousand dollars, divided into shares of one hundred dollars each.

HENRY E. PIERREPONT, *Vice President.*

R. D. COVERT, *Secretary.*

Brooklyn, February 1st, 1841.

A STATEMENT

OF THE

*Expenditures for the Fulton and South Ferries, from the
1st February, 1840, to the 1st February, 1841.*

1840.

Feb.	Paid the Corporation of New York for one quarter's rent of ferries	\$3000 00
	Paid monthly wages of men employed on the ferries	2785 00
	Paid Z. M. Conklin for one quarter's rent of wharf.....	100 00
	Paid J. C. Cornwell for sundries, \$77 21, Gayland and Hathaway for lumber, \$160 40.....	237 61
	Paid R. R. Story for hose, &c. \$13 62, George Nash for Blacksmith's tools \$18	31 62
	Paid L. H. Rogers for blocks, &c. \$66 33, Pierson and Co. for iron \$125 24....	191 57
	Paid Wm. Cooper for tallow \$19, S. Judd & Co. for oil \$122 15	141 15
	Paid Wm. Kemble for iron \$183 14, J. R. Holden, carpenter \$18 28	201 42
	Paid A. Hegeman, for account books \$55 06, Arnold and Van Amberg for printing, \$27 25.....	82 31
	Paid Bishop and Simmon, on account of ship carpenters' work.....	200 00
	Paid James Cunningham, on account of new boiler for ferry boat Brooklyn ..	1500 00
	Paid J. S. Doughty, on account of sa- lary as Treasurer.....	200 00
	Paid M. Sprague, for pine wood.....	156 00
	Amount carried forward.....	\$8,826 68

1840.	Amount brought forward	\$8,826 68
March.	Paid monthly wages of men.....	2757 50
	Paid John Benson, for copper-smith work	306 81
	Paid James Cunningham, for repairs to machinery.....	73 71
	Paid J. Donaldson, for fenders \$78 62, J. McFarland, for sundries \$42 51.....	121 13
	Paid G. Haviland, for plan for ferry house	5 00
	Paid J. L. Mott, for stoves, &c., \$45 83, J. E. Cornwell, for sundries, \$57 33.	103 16
	Paid J. Randall for glazing, \$8 21, Wm. Cooper for tallow, \$23 60.....	31 81
	Paid Salamanders Work for tile, \$28, J. McFarland for sundries, \$70 49.....	98 49
	Paid Denfer and Tisdale for nails, \$11 25, J. Weaver for sashes \$7 83..	19 08
	Paid interest to Long Island Bank on loans	262 50
	Paid Langshaw and Riblet for lumber, \$39 30, Burkner and Clard, Inspectors, \$60.....	99 30
April.	Paid monthly wages of men.....	2751 00
	" M. Sprague for pine wood, \$183 62 J. W. James for stoves, \$99 48	283 10
	Paid J. Frost for oil, \$186 14, J. Frost for wharfage, \$22.....	208 14
	Paid A. Southworth for fenders, \$45 50, J. Donaldson for piles and fenders, \$293	338 50
	Paid A. Birkbeck and Son for repairs to engines, &c.	256 82
	Amount carried forward.....	\$16,542 73

1840.	Amount brought forward	\$16,542 73
April.	Paid Wm. L. Degrauw, on account of salary as superintendent	200 00
	Paid joiners' work for steamboat Jamaica	100 00
	" James Cunningham on account of boiler.....	760 92
	Paid J. McFarland for sundries, \$70 18 interest to Atlantic Bank, \$191 77..	261 95
	Paid Delaware and Hudson Canal Company for coal, \$2000, J. E. Cornwell on account of salary, \$100	2100 00
May.	Paid Corporation of New York, for one quarter's rent of ferries	3000 00
	Paid monthly wages of men.....	2781 00
	Paid James Gavey for painting boats ..	50 18
	Paid Z. M. Conklin for one quarter's rent of wharf	100 00
	Paid J. Donaldson for oak piles, \$116, J. McFarland for sundries, \$142 17..	258 17
	Paid Jos. Riley for cushions, \$72, Messeran and Morgan for plank, \$24 56	96 56
	Paid E. Corwin for repairing racks, docks, and bridges.....	690 12
	Paid E. Colborn & Co. for lumber \$73 87, R. G. Moulton for coal, \$312 39	386 26
	Paid Brown & Bell for oak timber, \$32 15, M. Sprague for work \$170 62	202 77
	Paid John E. Cornwell on account of salary.....	345 00
	Paid L. H. Rodgers, block maker, \$120 30, Phelps, Dodge & Co. for copper, \$164 62.....	285 00
	Paid Delaware and Hudson Canal Company for coal.....	2000 00
Amount carried forward.....		<u>\$30,160 66</u>

1840.	Amount brought forward	\$30,160 66
May.	Paid Bishop & Simonson for ship carpenters' work	411 89
	Paid Charles M. Simonson for joiners' work	275 00
	Paid A. Birkbeck & Son for repairs to engines, &c.	771 76
	Paid George Wood, Esq., for counsel fees	100 00
	Paid Whiting & Bloomfield for hauling up boats on rail way	266 66
	Paid semi-annual dividend to Stockholders	6484 50
	Paid L. H. Rodgers for repairing blocks &c. \$29, R. S. Powell for sundries, \$67 09	96 09
	Paid Samuel Anderson for pine wood, \$173 87, Ripplin & Co., for coal, \$314 52	488 40
	Paid Delaware and Hudson Canal Company for freight of coal	545 65
June.	Paid monthly wages of men, \$2806 67, J. Doughty on account of salary, \$100	2906 67
	Paid Wm. L. Degrauw on account of salary, \$200, Discount on uncurrent bills, \$57 51	257 51
	Paid J. McFarland for sundries, \$133 12, H. Rulen for repairs, \$28	161 12
	Paid J. H. Low for timber, \$93 09, James Gavey for painting boats, \$125 48 ...	218 57
	Paid John Mauntire for stone \$66, Nicoll & Aymar for ship chandlery, \$401 48	467 48
	Paid Delaware and Hudson Canal Company for coal	2476 37
	Amount carried forward	\$46,088 33

1840.	Amount brought forward	\$46,088 33
June.	Paid A. Birkbeck & Son for repairs to machinery	442 45
	Paid Bishop & Simonson for ship carpenters' work	400 00
	Paid Allaire Works for repairs to machinery	1595 45
	Paid Bishop & Simonson on account of ship carpenters' work	1687 48
	Paid W. Dunly for punching copper, \$9 18, J. E. Cornwell for sundries, \$94 47	103 65
	Paid M. Sprague for pine wood and cedar boards	168 50
	Paid J. E. Cornwell for sundries, \$42 90, Dimon & Young for hardware, \$29 56,	72 46
	Paid J. Donaldson for oak plank, \$160 19, Allaire Works for repairs, \$140 45, ..	300 64
	Paid Delaware and Hudson Canal Company for freight of coal	279 11
July.	Paid monthly wages of men	2815 00
	Paid A. D. Southworth for fenders, \$34 30, J. E. Cornwell on account of salary, \$150	184 30
	Paid E. C. Corwin for repairing rack, driving piles, &c.	225 42
	Paid Gaylard and Hathaway for lumber	237 11
	Paid J. De La Roi for awnings \$73, J. McFarland for sundries, \$185 62	258 62
	Paid J. Morrison for packing yarn, \$17 20, Nicoll & Aymar for oil \$451 93,	469 13
	Paid J. Donaldson for oak piles, \$72, J. W. Weaver for pine wood, \$146 25 .	218 25
	Amount carried forward	\$55,545 90

1840.	Amount brought forward	\$55,545 90
July.	Paid Bishop & Simonson on account of ship carpenters' work.....	1000 00
	Paid Atlantic Bank interest on loans...	174 52
	Paid Allaire Works for repairs of machi- nery	567 32
	Paid Bishop & Simonson for ship car- penters' work	1176 88
	Paid C. Morehouse for new ferry house	809 00
	Paid Wm. L. Degrauw on account of salary	200 00
	Paid C. Morehouse for repairs to ferry houses, &c.....	232 51
	Paid G. W. Stilwell for hinges, &c., \$53 35, J. O. Donel for repairing pave- ment, \$38.....	91 35
August.	Paid Corporation of New York for one quarter's rent of ferries	3000 00
	Paid A. V. H. Webb for lamps and cam- phine	25 00
	Paid Z. M. Conklin for one quarter's rent for wharf.....	100 00
	Paid monthly wages of men.....	2815 00
	Paid counsel fees for drawing leases of ferries	50 00
	Paid Wm. Aymar & Co. for cotton duck, &c.	330 22
	Paid Delaware and Hudson Canal Com- pany for coal	2000 00
	Paid E. C. Corwin for driving piles, &c.	167 26
	Paid James Cunningham on account of repairs to steamboat Nassau,.....	500 00
	Paid Charles M. Simonson for joiners' work to steamboat Nassau,	800 00
	Amount carried forward	\$69,584 96

1840.	Amount brought forward	\$69,584 96
August.	Paid Smith Morehouse for blinds to ferry house	60 00
	Paid Langshon & Ribbit for lumber, \$84 47, J. S. Doughty on account of salary, \$100,	184 47
	Paid Charles B. De Forest for coal, \$613 22, Wm. Aymar & Co. for ship chandlery, \$932 75	1546 07
	Paid A. Birkbeck & Son for repairs to engines, &c.....	672 88
	Paid J. L. Eddy for lumber, \$64 59, Wm. Aymar & Co. for paints, &c. \$597 18	661 77
Sept.	Paid monthly wages of men, \$2822 50, Wm. L. Degrauw on account of salary, \$200.....	3022 50
	Paid J. E. Cornell on account of salary, \$150, J. McFarland for sundries, \$311 39	461 39
	Paid M. Sandford for wharfage, \$28 88, J. E. Cornell for sundries, \$44 92...	73 80
	Paid M. Sprague for pine wood, \$213 50, Jos. Riley for cushions, \$88 44	301 94
	Paid Long Island Bank interest on loans	262 50
	Paid Delaware and Hudson Canal Company for coal	3000 00
	Paid O. W. Van Tuyl for wooden blocks, \$15 23, W. Day for surveying, \$10..	25 23
	Paid Jessee Crane for pine wood, \$276, steamboat Hercules for towing, \$18 75	294 75
	Paid E. Colborn for lumber, \$56 40, G. Sanderson for oil \$35 58.....	91 98
	Paid J. Cunningham for repairs of engine	400 09
	Amount carried forward.....	\$80,644 33

1840.	Amount brought forward	\$80,644 33
Sept.	Paid L. H. Rodgers, block maker's bill..	114 44
	Paid Hannah & Launy for coppersmith work.....	176 43
	Paid Bishop & Simonson for ship car- penters' work.....	500 00
	Paid E. Colborn for lumber \$64 38, James Gavey for painting \$52 14....	116 52
	Paid Delaware and Hudson Canal Com- pany on account of coal.....	2626 71
	Paid M. Buckman for coal \$316 66, Pierson & Co. for iron, &c. \$170 46.	487 12
	Paid John Moore for hanging bells \$15 50, Wm. Aymar & Co. for paints, &c. \$396 59	412 09
	Paid J. L. Eddy for lumber \$56 59, J. McFarland for sundries \$226 59....	283 18
	Paid Wm. M. Udall for ship chandlery	79 31
Oct.	Paid monthly wages of men \$2841 67, Phelps, Dodge & Co., for copper \$1503 75	4345 42
	Paid Bunker and Clark for inspecting boats.....	120 00
	Paid Atlantic Bank interest on loans \$176 44, R. R. Story for hose \$53 10	229 54
	Paid Bishop & Simonson for ship car- penters' work	500 00
	Paid Delaware and Hudson Canal Com- pany for coal \$3000, L. W. Ransom for coal \$365 70.....	3365 70
	Paid Delaware and Hudson Canal Com- pany for freight of coal	681 54
	Paid J. Crane for pine wood \$142 50, Walton & Little for yellow pine \$31 97.....	174 47
	Amount carried forward	\$94,856 80

1840.	Amount brought forward	\$94,856 80
Oct.	Paid Arnold & Van Arden for printing \$13 91, Wm. L. Degrauw on account of salary \$200.....	213 91
	Paid J. E. Cornwell on account of salary \$150, L. W. Ransom for coal \$332 70	482 70
	Paid James Cunningham on account of repairs to engine and boiler.....	1500 00
Nov.	Paid monthly wages of men \$2875, J. E. Cornwell for sundries \$25 67	2900 67
	Paid J. McFarland for sundries \$127 43 J. S. Doughty on account of salary \$100.....	227 43
	Paid Z. M. Conklin for one quarter's rent of wharf.....	100 00
	Paid J. Riley for cushions \$47 25, D. Fay for tallow \$48 33.....	95 58
	Paid Frazier & Beers for sundries \$73 03, A. D. Southworth for fenders \$77 70	150 73
	Paid Corporation of New York, one quarter's rent of ferries.....	3000 00
	Paid Bishop and Simonson for ship car- penters' work.....	600 00
	Paid E. C. Corwin for suspending bridge, driving piles, &c.....	542 24
	Paid J. Danielson for fenders \$97 50, W. Banker, for oak piles \$124.....	221 50
	Paid L. J. Star for printing \$85 25, A. V. H. Webb for camphine \$31.....	116 25
	Paid Thomas Lake for driving piles....	305 70
	Paid Bishop & Simonson on account of ship carpenters' work.....	400 00
	Paid semi-annual dividend to Stock- holders.....	7105 00
	Amount carried forward	\$112,818 51

1840.	Amount brought forward.....	\$112,818 51
Nov.	Paid Wm. Kemble for iron \$398 36, N. Comstock for oil \$38 65.....	437 01
	Paid A. Birkbeck & Son on account of repairs to machinery, &c.	400 00
	Paid E. Colborne for lumber \$15 60, Schenck & Bergen for oats, &c. \$40 79	56 39
	Paid James Cunningham on account of repairs to engine and boiler.....	1500 00
	Paid taxes to the City of Brooklyn	257 40
Dec.	Paid monthly wages of men.....	2880 00
	Paid Thomas Silk for shoeing horse \$20 60, John Letts for wood \$203 ..	223 60
	Paid Arnold & Lathrop for oil \$94 50 R. Atwater for stoves \$47 88.....	142 38
	Paid D. Fay for tallow \$40 68, Langshon & Ribbit for timber \$49 03....	89 71
	Paid E. Spragg for white sand \$17, J. L. Mott for stoves \$46 11.....	63 11
	Paid Delaware and Hudson Canal Company for freight of coal.....	22 23
	Paid J. McFarland for sundries \$100 18, D. Fay for tallow \$50 30.....	151 48
	Paid Hannah & Launey for coppersmith work.....	57 61
	Paid Delaware and Hudson Canal Company for coal	3000 00
	Paid Wm. L. Degrauw on account of salary \$200, J. E. Cornwell on account of salary \$75	275 00
	Paid Wm Day on account of hickory timber	200 00
	Paid Delaware and Hudson Canal Company for freight of coal	319 79
	Amount carried forward	\$122,894 22

1841.	Amount brought forward.....	\$122,894 22
Jan.	Paid Corporation of Brooklyn for rent of slip at the foot of Atlantic street, South Ferry.....	2145 26
	Paid monthly wages of men.....	2830 00
	Paid James Cunningham for repairs to engine	156 64
	Paid N. Comstock for oil \$33 25, A. V. H. Webb for camphine, &c. \$45 63..	78 88
	Paid H. Dikeman for hardware \$68 21 N. Banker for wages \$28 33.....	96 54
	Paid R. T. Powell for stoves, &c. \$85 89 Pierson & Co. for iron, &c. \$141 19.	227 08
	Paid J. E. Cornwell for sundries \$48 69 G. M. Rite for coal \$12.....	60 69
	Paid Barry & McLaughlin \$25, J. McFarland for sundries \$39 76.....	64 76
	Paid costs on suit commenced for run- ning over a small boat	26 00
	Paid Bishop & Simonson for ship car- penter's work	300 00
Feb. 1.	Paid Corporation of New York for one quarter's rent of ferries.....	3000 00
	Paid Z. M. Conklin for one quarter's rent of wharf.....	100 00
	Paid monthly wages of men.....	2818 35
	Paid John S. Doughty for one quarter's salary as Treasurer	100 00
		<hr/>
		\$134,898 42
Jan. 1.	Interest paid Atlantic Bank \$132 33, and \$44 11	176 44
		<hr/>
		\$135,074 86

A STATEMENT

OF THE

*Receipts of the Fulton and South Ferries, from the
1st. February, 1840, to the 1st February, 1841.*

1840.

Feb.	The receipts of the ferries this month were			\$7168 49
March	do	do	do	8204 53
April	do	do	do	10,185 31
May	do	do	do	20,590 60
June	do	do	do	12,561 17
July	do	do	do	12,593 13
August	do	do	do	13,379 91
September	do	do	do	11,902 78
October	do	do	do	10,646 08
November	do	do	do	18,484 96
December	do	do	do	8632 81
January, 1841.	do	do	do	6401 88

\$140,751 65

A LIST

OF THE

*Stockholders of the Union Ferry Company,
1st February, 1841.*

	No. of Shares.		No. of Shares.
James W. Allen	16	Isaac H. Bergen	1
Elizabeth Alexander....	5	Jacob Bergen.....	7
Alfred Aldworth	1	John Bergen	4
Benjamin Aymar.....	10	Townsend Bedell	4
Elijah Abrams.....	1	Noel J. Becar.....	7
James Alcock	3	Richard Cadmus	3
Wm. Aymar	3	S. T. Champney	1
Robert Bach.....	11	Robert Campbell.....	2
Ruth Black	10	Miles Cook.....	3
Jon. C. Bartlett	1	Alex. J. Cotheal, Exr....	2
Allen D. Berry	2	A. V. Cortelyou.....	1
Garrit Bergen	4	W. J. Cornell.....	1
Jacob Bergen	6	Peter C. Cornell	1
Cornelius Bergen	1	Owen Colgan	1
Elizabeth Bertram	3	Sarah Cornell	2
Alexander Birkbeck	3	David Cooper	1
Thomas Birns	1	John A. Cross	2
Foster Burtis.....	4	Thomas J. Chew	2
Wm. Burtis	2	Haz. Coffin.....	7
George L. Bennet	6	Mr. R. Cowenhoven	7
Winant P. Bennet.....	1	Oscar Colis & others ...	30
Benjamin F. Burling....	2	Henry H. Cox.....	5
Isaac Barnes	6	H. H. Cary, in trust	2
Wm. Brown.....	1	Clement Davison	2
John Benson	5	James A. Degrauw	11
Jacob S. Bergen.....	1	Abraham Degrauw	1
Jos. D. Beers	10	Wm. R. Dean.....	1

	No. of Shares.		No. of Shares.
L. V. Deforest	1	L. H. Holmes.....	1
Downing & Lawrence..	5	F. Hourdejuir	7
Charles De Mott	8	John G. Hicks.....	7
John De Mott	2	C. Joost	2
M. W. Demarest.....	1	Samuel I. Jones.....	2
Benjamin W. Davis	1	John Johnson.....	2
John De Bevois.....	4	Jarvis Jackson.....	1
Joshua Ennis.....	2	David Johnson	8
Daniel Embury.....	3	Wm. Kumbel.....	2
Daniel Embury, <i>Cashier</i>	5	James G. King.....	56
Wm. Fosbush	1	C. N. Keirsted	13
James Foster	3	Wm. Kemble.....	25
Maria Faulkner.....	2	Josiah Kissam	1
Frye & Shaw	1	John A. King.....	12
Augustus Graham.....	1	John R. La Count.....	3
John S. Garrison	2	Starks W. Lewis.....	5
Samuel I. Garrison.....	3	Elijah Lewis	4
George Gilfilland	1	Josiah Lott.....	1
Thomas S. Gibbes.....	5	Wm. Ludlam.....	7
John N. Gossler.....	10	La Roy & Perry.....	383
W. A. Griffen	2	Isaac Loper	2
Mitchel Hart	1	Leffert Lefferts.....	6
S. A. Halsey	5	J. B. Lasala, in trust....	75
S. Haynes.....	2	John A. Lott	2
Estate of E. Hawnhurst.	2	Wm. H. Long	1
Charles J. Hanshaw	13	George Marvin	1
F. H. Hibard	1	Charles R. Marvin.....	1
A. D. Hall	2	James McFarlan	1
G. S. Howland	6	Austin Melvin.....	4
John Hillman	8	Peter Montfort.....	5
Thomas Holdhan	1	John Mortimer	13
Robert T. Hicks.....	3	Eli Morrill	1
W. T. Hendrickson	1	John B. Miller.....	10
G. G. Howland	8	G. L. Mastanse	5
Holford, Bancker & Co. .	3	Ann Mitchell	2

	No. of Shares.		No. of Shares.
Daniel McCowan	3	Peggy Ryerson	1
G. W. Morris	1	Robert Ray	20
James McFarlan	6	George St. John	1
Sainuel C. Nicoll	4	Josiah Sands	5
F. W. Ostrander	1	Stephen Samson	2
Charles Osborn	10	John Spader	2
Jonathan Ogden	10	H. F. Spear	5
James D. P. Ogden	10	Alanson Seaman	1
Edward Payson	1	C. P. Smith	16
E. R. Page	1	Anna Smith	2
John Peck	1	Samuel Smith	2
N. P. Pettibone	1	E. Sillick	1
J. S. Pierson	2	Daniel J. Stilwell	5
Robert A. Powers	3	J. J. Stilwell	1
Mary Powers	10	M. Skidmore	12
Wm. Post	6	Thomas M. Strong	5
H. E. Pierrepont, Exr. ..	10	Charles Smith	5
Jos. A. Perry	10	C. C. Smith	1
J. J. Palmer, President ..	16	Wm. J. Schenck	2
Anson G. Phelps	3	Mary Ann Sage	1
Rufus Prime	8	Ferdinand Suydam	10
J. A. Perry, in trust	311	Edward Smith	10
Wm. Raynor	6	J. R. St. Felix	8
Eliza Rathbone	5	Abraham Sutton	10
Thomas H. Redding	2	Webley Slocum	2
S. Richards, Jr.	2	Abraham Suydam	4
James Rowland	3	Peter Schermerhorn	8
H. W. Rosenbaum	10	Schermerhorn B. & Co. ..	8
Isaac Rushmore	13	Jonathan Trotter	1
Townsend Rushmore ...	3	John W. Tout	2
Stephen Rushmore	11	Jon. Tompkins	1
Thomas Rushmore	5	P. S. Underhill	8
John Rankin	42	Garrit Vanderveer	17
J. N. Robbins	1	Adolphus Vanderveer ...	1
Wm. Remsen	8	A. S. Van Voorhes	2

	No. of Shares.		No. of Shares.
John Vanderveer.....	1	H. Coffen	2
Phebe S. Van Nostrand..	1	H. H. Cox	2
Mary Watts	1	D. Embury, <i>Cashier</i> ...	2
Albert T. Wells.....	2	G. G. Howland	2
Amos White.....	1	C. J. Henshaw.....	2
George White	5	F. Hourdequin	2
Peter Wyckoff.....	10	E. S. D. Hubbard	2
Peter Wyckoff, Jr.....	1	D. Johnson.....	2
Wm. Woodruff	1	C. N. Keirsted.....	3
Nathaniel Wright	2	James G. King	16
Jane Weaver	6	J. A. King	3
Ebir Whiting.....	2	Le Roy & Perry	4
John Wortman.....	3	J. J. Palmer, <i>President</i> ..	4
Michael Wyckoff.....	2	Rufus Prime	2
Weeks & Co.....	10	J. A. Perry, in trust	118
Henry Waring.....	7	J. De Bervise.....	2
Abraham Warner	16	Henry Waring.....	2
N. Young.....	3	Abraham Woodhull	2
John O. Zuell	3	Weeks & Co.....	2
Robert W. Zuell.....	1	J. R. St. Felix.....	2
L. V. Nostrand	6	Abraham Suydam.....	1
G. G. Vanwagenen	1	P. Schermerhorn.....	2
Albert N. Vanbrunt.....	2	Schermerhorn, Barker & Co	2
James Vansicklen	1	B. D. Silliman.....	1
Henry Hyde.....	2	N. Luqueer	6
Joseph W. Allen	4	Robert Cochran.....	1
Jacob Bergen.....	2	St. John	1
N. J. Becar.....	2	J. Sherman, Jr.	2

DOCUMENT No. 70.

BOARD OF ALDERMEN,

MARCH 1, 1841.

Report of the Street Committee, relative to a proposed amendment to the Ordinance in relation to repaving streets. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

Resolved, That it be referred to the Committee on Streets to inquire into the expediency of amending the seventh section, chap. xxii. title 1, of Corporation Ordinances, by striking out the words "repaved or newly" in the fourth line of said section.

Offered by Alderman PURDY.

The Street Committee, to whom was referred the annexed resolution to inquire into and report on the expediency of amending section seventh, chapter 22, title 1st, of Corporation Ordinances, by striking out the words "repaved or newly" in the fourth line of said section, respectfully

REPORT:

That the said section was originally passed by the Com-

mon Council in the year 1824, and provides that whenever the carriageway of any of the streets in the city shall be repaved, or newly paved, and the crosswalks laid, and the sidewalks extended to the width required by law, at the expense of the individual owners of the lots on the same, and the work approved by the Street Commissioner, that such streets shall forever thereafter be paved and repaired at the expense of the Corporation. A register of all streets paved or repaved in conformity to the said ordinance is kept in the Street Commissioner's Office, and the said streets are repaired by the Superintendent of Pavements, as occasion requires, under the direction of the Street Commissioner, at the city expense. The effect of the amendment would be to require the Corporation to keep all the streets in repair, which would add to the present streets registered about sixty miles of pavement, a considerable part of which is in bad condition.

The Committee do not deem it advisable to adopt the proposed amendment, as they are satisfied that it would operate very unequally and injuriously upon our citizens, by relieving the owners of those streets which have not been repaved since the ordinance, from an obligation which has been imposed upon the owners of property in other streets, and whose taxes would also be increased by granting such relief. There is one other consideration which makes the proposition extremely objectionable, which is, that the curb and gutter stones used in paving or repaving streets are, by a subsequent ordinance, required to be much larger and more expensive than the former ones.

The Committee are satisfied of the inexpediency of the amendment proposed, and that great additional expense would be thrown upon the city. They ask to be discharged from the further consideration of the subject.

D. C. PENTZ,
C. S. WOODHULL.

DOCUMENT No. 71.

BOARD OF ALDERMEN,

FEBRUARY 23, 1841.

*Annual Report of the Superintendent of the Alms House.
Ordered on file.*

SAMUEL J. WILLIS, CLERK.

TO ELIJAH F. PURDY, Esq.,

President of the Board of Aldermen :

Sir—I have the honor to inclose for your perusal the Annual Report of the Superintendent of the Alms House for the year 1840.

I remain, Sir, respectfully,

Your obedient Servant,

JOHN MYER.

REPORT

*Of the Superintendent of the Poor of the County of
New York.*

The number of paupers relieved or supported during the year preceeding the 1st Dec. inst. was	27,553
The whole expense of such support was	\$178,843 85
Of this sum there was paid for transportation of paupers .....\$340 00	
Of this sum there was paid for support of out door poor .....\$28,019 33	
	28,359 33 \$150,484 52
Allowance made to Superintendent	1,400 00
Allowance to Keepers and Officers	8,439 98
The actual value of the labor of the paupers maintained was.....	31,196 44
The sum actually expended, over and above the labor and earnings of the paupers, divided by the average number kept during the year, gives \$52 21½ per year, or one dollar and four mills per week, as the actual expense of keeping each pauper.	
The County Poor House has 250 acres of land attached to it, and the whole establishment is valued at	600,000
The number of persons in the Poor House on the 1st December instant, was	2956
Of this number there were, of females	1311
“ “ “ males.....	1645

Of the females there were, of the age of sixteen years and under	306
Of the males there were of the age of sixteen years and under	673
Of the persons relieved or supported during the year there were 2803 foreigners, 425 lunatics, 19 idiots, and 9 mutes: of the mutes 7 were between the ages of 10 and 25 years.	
The number of paupers received into the Poor House during the year was	4607
Born in the Poor House	144
Died during the year	1025
Bound out	293
Discharged	3458
Absconded	131
Average number of children who attended school during the year five hours each day.....	475

JOHN MYER,

Superintendent.

DOCUMENT No. 72.

BOARD OF ALDERMEN,

MARCH 8, 1841.

Communication in relation to applying to the State for a further issue of Water Stock; with an estimate of the final cost of the aqueduct, and the programme of a law annexed. Adopted.

SAMUEL J. WILLIS, CLERK.

COMPTROLLER'S OFFICE, MARCH 4th, 1841.

To the Honorable the Common Council:

The undersigned, in his annual report to the Common Council, adverted to the necessity for a new application for authority to raise a further sum, by loan, for the completion of the Croton Aqueduct, to be made to the State Legislature at its present session.

The events affecting the credit of Funded American Securities abroad and at home, which have transpired since that report was written, have changed the views of the undersigned in regard to the facility with which the new loans of

the Corporation needed for the completion of the water works, will, during the current year, be obtained ; and he, therefore, again urges the subject upon the consideration of the Common Council, with such suggestions as have occurred to him for measurably avoiding the loss which must be sustained by the city, if compelled to negotiate a large permanent loan, during the continuance of the present unexampled depression of long securities.

From the estimate following, it will be perceived, that by the time the water is introduced, (say the very short period of fourteen months from this date), the total cost of the works to that time, if measured by the amount of five per cent. stocks issued, and still to be issued, at rates not less favorable than heretofore, will be twelve millions of dollars, or three millions five hundred thousand dollars more than the amount yet authorized by the State. The authority to raise this sum must, therefore, be obtained from the state at the present session of its Legislature, which is now rapidly drawing to a close.

This is a large amount to be negotiated in so short a period, and at a season of such general depression. A considerable time must, in all probability, elapse before the sound securities can escape from the depreciating effects of the general distrust of the public, created by the extraordinary occurrences of the last few weeks. Under the most favorable circumstances it cannot be expected that much improvement will take place in time to enure to the benefit of the city, if compelled to negotiate its securities within the period previously mentioned, and if they are disposed of during the continuance of the present panic, it must be at a very considerable sacrifice.

This state of things, especially where a still greater depression is justly apprehended, must admonish the Corporation of the need for making some other provision for the prosecution of its public works, than that to be afforded by the issue of a permanent stock for forty years.

Since the Finance Department, in procuring its temporary loans in anticipation of the taxes, has changed the custom of obtaining them, in large sums from the deposit bank employed by the city, and has adopted the mode of borrowing the same in small sums from individuals, it has led the public to look to the city for occasional opportunities of making temporary investments in a security, easily convertible, and redeemable at short intervals.

The offerings of this character, during the past year, were large, and similar offers are daily being proffered. In seasons of most embarrassment, these offers are found to increase in number and amount, rather than to diminish. The increasing disposition of our citizens thus temporarily to invest their unemployed funds in the temporary bonds of the city, the solidity and convertibility of which are known to them, offers to the City Government the means of continuing the public works without the sacrifice that must attend, at present, the negotiation of a long loan.

The bonds of the city, having a short time to run, in the most disastrous seasons, will readily bring par, if sold in amounts to suit purchasers, and redeemable at periods fixed by themselves. By the amended City Charter, the sanction of the State must be obtained, before any such bonds can be issued; it is therefore suggested and inserted in the annexed Programme of a Law, that in addition to the application to be made to the State, for power to make a further issue of water stock, for a period of forty years, there be inserted a clause providing for the issue of stock certificates, for shorter periods, to bear legal interest, and in anticipation of an eventual loan being effected on the permanent stock.

It is also necessary at this time to make some permanent provision for meeting the interest on the water debt which will be accruing after the completion of the aqueduct. The revenues from the sale of water will not of itself be sufficient for several years; the deficiency is to be supplied by taxation. The authority to levy any such tax must also be ob-

tained through the State Legislature. In the opinion of the undersigned it would add to the value of the water stock yet to be issued, were a general authority to impose such tax now vested in the Corporation, as it would enable the public creditor to judge of the character and availability of the sources from which the interest was to be met. The incorporation of such a provision in the law authorizing the issue of the water stock, as will enable the city to levy annually by tax an amount equal to the deficiency of revenue, whatever that may be, is recommended, and forms section six of the annexed programme.

All of which is respectfully submitted.

ALFRED A. SMITH,

Comptroller.

ESTIMATE

*Of the amounts of Water Stock to be applied for to the
State Legislature.*

The amount of stock already authorized is	\$8,500,000
The additional amount proposed is	3,500,000
	<hr/>
Making a total issue of	\$12,000,000

Beyond this sum the Comptroller is of opinion it ought not to be permitted to pass, the reasons leading to such opinion are given in his annual report.

The amount of Stock already issued is	\$7,800,000
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The estimate of expenditure to be made upon the Croton Aqueduct, up to the period when the water will be introduced by means of tempo- rary works across the Harlaem River is.....	2,100,000
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This temporary means of introducing the water will afford an opportunity for an indefinite postponement of the completion of the high bridge, and a consequent reduction in the estimate of final cost of the work of \$700,000.

The estimated expense for distributing the mains and pipes in the productive sections of the city is \$1,500,000, but of this amount it is improbable that a greater amount than one million of dollars worth of pipes can be laid up to that time	1,000,000
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Interest to that time	700,000
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Discount in negotiating stock	400,000
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Total amount of Stock needed to May 1, 1842	<hr/> \$12,000,000
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PROGRAMME

OF A LAW TO PROVIDE FURTHER FUNDS FOR INTRODUCING
PURE AND WHOLESOME WATER INTO THE
CITY OF NEW YORK.

AN ACT

To amend an Act entitled "An Act to provide for supplying
the City of New York with pure and wholesome water."

Passed May 2d, 1834.

*The People of the State of New York represented in
Senate and Assembly, do enact as follows :*

§ 1. It shall be lawful for the Mayor, Aldermen and Commonalty of the City of New York, to raise, by loan, from time to time, and in such amounts as they shall see fit, a further sum, not exceeding three millions five hundred thousand dollars, by the creation of a public fund or stock, to be called "The Water Stock of the City of New York," which shall bear an interest, not exceeding six per cent. per annum, and shall be redeemable at such periods as the said Mayor, Aldermen and Commonalty shall, from time to time, direct, not to exceed forty years.

§ 2. It shall be lawful for the said Mayor, Aldermen and Commonalty to direct the issuing of certificates of the Water Stock of the City of New York, authorized by this Act, in such nominal amounts, and in such manner and form as they may judge most expedient for the interest of the city:

and they are hereby authorized to sell and dispose of such stock at public auction, or at private sale, or by subscription for such price and on such terms as they may think proper.

§ 3. It shall be lawful for the said Mayor, Aldermen and Commonalty to issue their obligations under this law for short periods, bearing an interest not exceeding seven per cent. per annum, and in anticipation of the proceeds to arise from the negotiation of the permanent Stock authorized by this law.

§ 4. The monies to be raised by virtue of this Act shall be applied and expended to and for the purpose of supplying the City with pure and wholesome water, according to the provisions of the Act hereby amended; and no part of the funds created by this Act, or any other fund raised for the purpose of constructing or completing the Croton Aqueduct, and the works connected therewith, and distributing the water throughout the city, shall be diverted from such object.

§ 5. All the provisions of law heretofore passed on this subject, pledging the faith of the City of New York, and providing a sinking fund for the redemption of the stock issued by virtue thereof, are hereby made applicable to the Stock issued in pursuance of this Act.

§ 6. It shall be lawful for the Mayor, Recorder and Aldermen of the City of New York, as the Supervisors of the City and County of New York, of whom the Mayor or Recorder shall be one, from time to time, and as often as they may deem it necessary, to order and cause to be raised by tax, on the estates real and personal of the freeholders and inhabitants of and situated within the said city, and to be collected, such amount of money as shall be requisite to defray the interest upon the Water Stock of the City of New York.

§ 7. The said money shall be assessed and collected in the same manner as now provided by law for the assessment and collection of taxes in the City of New York.

DOCUMENT No. 73.

BOARD OF ALDERMEN,

MARCH 8, 1841.

The Joint Special Committee on the Croton Aqueduct, to whom was referred the Communication of the Comptroller, with a copy of a contract entered into by the Water Commissioners with Henry V. B. Barker, for excavating and filling in the Fifth avenue, between Twenty-first and Fortieth streets, presented the following Report, which was laid on the table and ordered to printed.

SAMUEL J. WILLIS, CLERK.

The Committee on the Croton Aqueduct, to whom was referred the annexed contract for excavation and filling in, in the Fifth avenue, between Twenty-first and Fortieth streets, and the communication of the Comptroller in reference thereto,

REPORT :

That these contracts have been made for work to be done south of Murray's Hill, and for the purpose of distributing the Croton water.

Your Committee have, on a former occasion, reported their opinion against the right of the Water Commissioners to make any contracts for the work upon the Croton Aqueduct below Murray's Hill, and they are still of the same opinion.

And moreover, as this contract was made in direct contravention of an existing ordinance of the Common Council, passed September 24th, 1840, the fourth section of which says, that the powers and duties of the Water Commissioners shall not extend to the making of contracts for materials and labor to be used or employed in the City of New York, or in procuring and laying down water pipes in said city south of the distributing reservoir,

Your Committee, therefore, recommend the adoption of the following resolution :

Resolved, That the Common Council do hereby refuse to ratify the contracts hereto annexed, and that the Clerk of the Common Council notify the Contractors and Commissioners of this resolution.

PETER COOPER,
WM. CHAMBERLAIN,
DAVID VANDERVOORT,
MOSES G. LEONARD,
WM. L. WOOD.

DOCUMENT No. 74.

BOARD OF ALDERMEN,

MARCH 8, 1841.

Report of the Committee on Cleaning Streets, recommending that the public streets be cleaned by contract. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

Resolved, That it be referred to the Committee on Cleaning Streets (of both Boards) to report on the expediency of cleaning the streets by contract.

Offered by Alderman HATFIELD.

The Committees on Cleaning Streets, to whom was referred the annexed resolution, instructing them to inquire into the expediency of cleaning the streets by contract, and also Document No. 73 of the Board of Aldermen for 1840, being the report of the Committee on Cleaning Streets on the same subject, respectfully

REPORT :

That they have considered the subject referred to them, and after mature reflection agree as to the propriety of the project of cleaning the streets by contract, for the general reasons stated in the report of the former Committee above referred to.

They however differ from that Committee as respects the plan of dividing the city into cleaning districts; believing that the interests of the city, and a due regard for economy, will be better promoted by letting out the cleaning of the streets by a single contract. They have also deemed it advisable to make some alterations in the conditions upon which the contract is to be made, which will appear from the conditions annexed to this report: they therefore submit the following resolutions:

Resolved, That the cleaning of the streets in the City of New York be given out by contract, for years, under the direction of the Committee on Cleaning Streets of both Boards, to the lowest bidder, on the condition hereto annexed, upon bonds, with good security, to be approved by the Comptroller, for the performance of the contract.

Resolved, That the Superintendent of Streets advertise for ten days for proposals for cleaning the streets upon the conditions in the above resolution; proposals to be sealed up, and to be opened by the Committee on Cleaning Streets.

Respectfully submitted.

ABRAHAM HATFIELD,
DAVID GRAHAM, Jr.,
DANIEL C. PENTZ,
DANIEL WARD,
FELIX O'NEIL,
WM. ADAMS.

CONDITIONS.

Contractors will be required to conform to the following regulations in the several districts :

1. Persons contracting for cleaning streets shall cause all the dirt, filth, rubbish, and manure, to be removed from the public markets and the limits thereof, every Sunday, before the hour of 10 o'clock in the morning, and every other day, excepting Saturday, before the hour of 4 o'clock in the afternoon.

2. The said contractors shall cause a cart once in every other day, (except Sundays,) except from 1st June to 15th September, inclusive, when it shall be done every day, to pass through each street in the city, for the purpose of receiving and carrying away all vegetables, offals, and garbage that may be delivered to such carts.

3. The said contractors, under the direction of the Superintendent of Streets, shall provide a sufficient number of horses and carts, which shall pass through the several streets in the city at least three times in each week, for the purpose of carrying away all cinders and ashes which may have been made and accumulated in the several stores and dwelling houses in the city.

4. The said contractors shall cause the several streets, wharves, piers, heads of slips, public lands and places, the limits of the public markets, to be properly swept and cleansed at least twice in each week, or oftener, should the Superintendent of Streets so direct. They shall also employ a sufficient number of cartmen to remove all the manure, rubbish and dirt from the streets, wharves and piers, on each day of sweeping before sunset.

5. The said contractors shall examine from time to time, the receiving basins and sewers in their respective districts, and as often as the Superintendent of Streets shall direct, take

out and remove the dirt, filth, or other things that may have collected or been deposited in them, and thoroughly cleanse the same; the dirt, filth, and other things so taken from the said receiving basins, shall be immediately removed and carried away by said contractors.

6. The said contractors shall cause all the street dirt, manure, or other rubbish which shall not be sold in the City of New York, and immediately taken away by the purchaser, to be forthwith deposited in such place as the Superintendent of Streets shall direct.

7. To remove all snow and ice from the sidewalks, crosswalks, and out of the gutters opposite the places and buildings belonging to the Corporation in their respective districts; to cause the snow in the streets opposite any public ground or building, to be levelled, and the sidewalks to be strewed with sand or ashes, in case the snow or ice becomes congealed thereon; and to do such other duties respecting the removal of snow or ice, as is customary to be done from the Superintendent of Streets' office; the same to be under the direction of the Superintendent of Streets.

8. The said contractors shall enter into bonds, with good and sufficient sureties, to be approved of by the Finance Committee of both Boards, in the penal sum of dollars, conditioned for the faithful performance of their duties.

9. In case of any violation of, or non-compliance with the above conditions by the contractors, the Superintendent of Streets, or Street Inspectors of the several wards, under his direction, are to cause the same to be performed, and the expense incurred to be paid by the contractor in whose district such neglect may have occurred.

10. The said contractors shall, in all respects, conform themselves to the Ordinances of the Corporation in relation to the cleaning of streets.

DOCUMENT No. 75.

BOARD OF ALDERMEN,

MARCH 8, 1841.

The Joint Special Committee on the Croton Aqueduct, to whom was referred the Communication from the Comptroller, with a copy of two contracts entered into by the Water Commissioners for water pipes, presented the following Report, which was laid on the table and directed to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on the Croton Aqueduct, to whom was referred the annexed contract for iron pipes, and the communication of the Comptroller in reference thereto,

REPORT:

That these contracts have been made for the furnishing of iron mains to be laid south of Murray's Hill, and for the purpose of distributing the Croton water.

Your Committee have, on a former occasion, reported their opinion against the right of the Water Commissioners to make any contracts for the work upon the Croton Aqueduct below Murray's Hill, and they are still of the same opinion.

And moreover, as this contract was made in direct opposition to the fourth section of the ordinance of the Common Council, passed September 24th, 1840, which says, that the powers and duties of the Water Commissioners shall not extend to the making of contracts for materials and labor to be used or employed in the City of New York, or in procuring and laying down water pipes in said city, south of the distributing reservoir, your Committee, therefore, recommend the adoption of the following resolution :

Resolved, That the Common Council do hereby refuse to ratify the contracts hereto annexed, and that the Clerk of the Common Council notify the Contractors of this resolution.

PETER COOPER,
SAMUEL NICHOLS,
WM. CHAMBERLAIN,
MOSES G. LEONARD,
WM. L. WOOD.

DOCUMENT No. 76.

BOARD OF ALDERMEN,

MARCH 8, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an ordinance, to provide for the ac-
countability of the Executive Committees of the Com-
mon Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs, in ac-
cordance with the Ordinance providing for the Accountability of
Committees, respectfully

REPORT :

That a meeting of said Committee was held on Friday
evening March 6th, at which were present all the members
of the Committee of both Boards of the Common Council.
The Superintendent of Buildings presented several bills and
accounts as accruing for the past fortnight, which were au-
dited and allowed, and a requisition upon the Comptroller

for the same was signed by all the Committee, amounting to \$2,373 62.

Of this amount there was incurred and properly charged to the Fire Department for workmen's wages \$ 775 33
 To the Fire Department for materials for repairs, &c. 235 68

\$1,011 01

To general account of repairs and supplies:

For workmen's wages \$381 01
 Do. do. on wells and pumps .. 143 63
 Do. do. Lamp Department .. 90 00
 Do. do. Lands and places .. 19 50
 Do. do. Street Department .. 49 68
 For materials, &c., for account of repairs and supplies 324 10
 Do. for repairs, &c., to Prisons .. 287 87
 Do. do. to Courts ... 34 32
 Do. do. to Watch Houses 32 50

1,362 61

\$2,373 62

Amounting together, as above, to two thousand three hundred and seventy-three dollars and sixty-two cents.

Which is respectfully submitted.

ELIAS L. SMITH,
 SAMUEL NICHOLS,
 FREEMAN CAMPBELL.

DOCUMENT No. 77.

BOARD OF ALDERMEN,

MARCH 8, 1841.

*Report of the Committee on Wharves, Piers and Slips,
in favor of widening the carriageway on the westerly
side of Coenties Slip. Laid on the table and ordered
to be printed.*

SAMUEL J. WILLIS, CLERK.

The Committee on Wharves, Piers and Slips, to whom was referred the annexed petition of persons doing business in the vicinity of Coenties slip, to widen a part of the passage-way adjoining said slip, respectfully

REPORT:

That the carriageway on the westerly side of Coenties slip, at the middle pier, is much contracted in width, being ten feet narrower than at South street.

The petitioners state that great delays and interruption to business are occasioned during the spring and fall trade in consequence. The Committee have examined the premises, and believe that great additional facility can be afforded to

the business in that vicinity, by widening the passage-way at an expense of about five hundred dollars. This improvement is also needed in reference to the present state of the bulkhead, which is much out of repair, and would, under any circumstances require to be improved at nearly the same expense. The Committee offer for adoption the following resolution:

Resolved, That the passage-way adjoining the westerly side of Coenties slip be widened between the middle pier and South street, to the width of forty feet, under the direction of the Street Commissioner.

FREEMAN CAMPBELL,
CALVIN BALIS,
WM. CHAMBERLAIN.

DOCUMENT No. 78.

BOARD OF ALDERMEN,

MARCH 8, 1841.

Report of the Croton Aqueduct Committee, in compliance with an ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

CROTON AQUEDUCT DEPARTMENT, }
MARCH 1st, 1841. }

Report of the proceedings of the Croton Aqueduct Committee, since the last regular meeting of the Board of Aldermen.

The Committee met on the 17th February, 1841—present Aldermen Cooper and Chamberlain; Assistant Aldermen Wood and Leonard. The Aqueduct Commissioner presented the bills contained in the following schedule, which, after examination, were audited and directed to be paid—all present voting affirmatively.

Voucher			
No. 40.	Pay list of 1st company of workmen	....	\$259 32
41. Do.	2d do.	do.....	62 57
42. Do.	3d do.	do.....	78 50
43. Do.	4th do.	do.....	68 81
44.	James Robertson, bill for stopcocks	.....	1100 00
45.	T. & G. Rowe, bill for castings	.....	420 53
46.	Samuel S. Wandell, bill for repaving	...	273 00
47.	John S. Moffat, bill for stopcock boxes	..	288 00
48.	John Richards, bill for lime	.....	24 88
49.	Henry Chanfraud, bill for carting..	....	24 75
50.	M. Carstine,	do.	18 38
51.	Patrick Gallagher,	do.	13 88
52.	Patrick Slevin,	do.	13 50
53.	Henry Salor,	do.	22 50
54.	Peres Reynolds,	do.	13 50
55.	Thomas Miller,	do.	14 25
56.	Thomas Miller, Jr.	do.	14 25
57.	John I. Cooper,	do.	14 25
58.	Joseph W. Bricks, bill for pipes	.....	1976 26
			<hr/>
			\$4701 13

No further business being presented, the Committee adjourned.

PETER COOPER,
SAMUEL NICHOLS,
WM. CHAMBERLAIN.

DOCUMENT No. 79.

BOARD OF ALDERMEN,

MARCH 8, 1841.

Report of the Croton Aqueduct Committee, in compliance with an ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

CROTON AQUEDUCT DEPARTMENT, }
MARCH 8th, 1841. }

Report of the proceedings of the Croton Aqueduct Committee, since the last regular meeting of the Board of Aldermen.

The Committee met on the 5th March, 1841—present Aldermen Cooper, Chamberlain, and Nichols; Assistant Aldermen Leonard, Vandervoort and Wood. The Aqueduct Commissioner presented the bills contained in the following schedule, which, after examination, were audited and directed to be paid—all present voting affirmatively.

Voucher			
No. 59.	Pay list of 1st company of workmen		\$210 07
60.	Do.	2d do. do.....	69 88
61.	Do.	3d do. do.....	96 06
62	Do.	4th do. do.....	68 75
63.	T. & G. Rowe, bill for hydrant castings		228 88
64.	John S. Moffat, bill for stopcock boxes, &c.		376 79
65.	E. Wainwright, bill for brushes and pails		21 50
66.	Thomas Maher, bill for cartage		44 63
67.	J.W. Brick, bill for pipes		2068 47
68.	James Robertson, bill for fitting up stop- cocks &c.		443 62
69.	Samuel S. Wandell, bill for grading, re- paving, &c.		282 25
70.	William Plumb, bill for office expenses ..		19 97
			<hr/>
			\$3,930 87

PETER COOPER,
SAMUEL NICHOLS,
WM. CHAMBERLAIN.

DOCUMENT No. 80.

BOARD OF ALDERMEN,

MARCH 22, 1841.

Report of the Finance Committee, on the Law relating to Foreign Paupers landed in the City of New York, communicated by his Honor the Acting Mayor. Adopted and directed to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

The Finance Committee, to whom was referred the annexed law, relating to foreign paupers landed in the City of New York, introduced into the House of Assembly,

REPORT:

That they have examined the various provisions of the said law, and are of opinion that their operation will be impolitic and unjust.

The first section provides that the Superintendents of the Poor in any County, who may suspect any pauper therein

to be a foreigner, and to have landed within the two preceding years, at the port of New York, may notify the Commissioners of the Alms House in the City of New York to provide for the support of such pauper.

The second section provides that such Commissioners may remove such pauper to the City of New York; and that the Corporation of the City shall be liable for the support of such pauper and children born subsequent to his or her importation, from the time of the notice in the first section mentioned, and until two years after the importation of such pauper, according to the account of the Superintendents, to be audited by the Treasurer of the County.

The third section provides that the Corporation shall only be liable for the support of such pauper, provided they have been indemnified, or received the commutation for his or her support.

The fourth section declares that if such pauper shall have been reported to the Mayor by the master of any vessel, as provided by law, such report shall in all cases be conclusive evidence that such indemnity or commutation has been received by the Corporation.

The last section gives immediate effect to the law.

The reasons which have operated upon your Committee to bring them to their conclusions with regard to this law, are these :

The City of New York always has been the great place of resort for the foreign poor who have come to our shores. Those who travel into the interior of the country, are generally enterprising and industrious, and able to provide for themselves. While of those who are vicious and improvident, (and of this class there are some in every community,) by far the greatest proportion find more inducement to remain in our city, where they are likely to become a public charge. For this reason, the law has provided the means of protection by requiring a bond of indemnity from the master of every vessel bringing passengers from a foreign port, in

a sum not to exceed three hundred dollars, to save the Corporation of the City harmless from any expense for the maintenance of such person and children within two years.

The object of this law undoubtedly was to prevent any foreign country from casting its own burthens upon us, by landing its paupers within our territory. The policy of this country always has been to invite the honest and industrious of all nations. If they bring with them neither silver nor gold, they bring that which is infinitely of more value, the capacity of being useful to their fellow men, and of developing the resources of our country. We want, therefore, no impediments in the way of a healthy increase of our population.

Your Committee have conferred with the Commissioners of the Alms House, and have ascertained that the average rate of commutation for foreign passengers, within the last two years, has been as low as one dollar and a quarter for each. If the provisions of the proposed law are to go into effect, the Corporation of this City, as a means of self protection, will be under the necessity either of requiring a full bond of indemnity, in every instance, with the strictest attention to the qualifications of the sureties, or to raise very considerably the rate of commutation. And even this would not furnish a sufficient indemnity, as the contemplated law proposes to make the city liable, without limit, to such amount as the Superintendents of the County, where the pauper may be located, may charge for his support, after the same shall be audited by the County Treasurer.

Your Committee are of opinion that such a course will operate to the exclusion of many who may be unable to provide the necessary security, or to pay a sum sufficient to indemnify the city against the possibility of misfortune to themselves. The rate of commutation shows that in those instances where the foreigner has the appearance of health and industry, the sum required to be paid is very low. To require all such to enter into bonds, with sureties, that they

should not become sick or disabled for two years, will change the whole course and policy of our laws, and very sensibly affect the tide of immigration.

Some parts of our State are more healthy than others, and none is more highly favored, in this respect, than our own city. Foreigners are often induced to go to other sections of the State, to engage upon the public works, or in various other acts of industry, which are peculiarly beneficial to the part of the country in which they may be engaged. They are selected for their hale and healthy condition; but frequently become the victims of disease, to which their local situation or exposure may make them liable. It would seem, therefore, to your Committee, to be peculiarly hard, to change the whole policy and operation of the general laws of the State, so as to deny to such persons a provision in the poor house of the county where he may have been taken sick, and which his labor has tended to enrich, simply because he may have landed in the City of New York.

There are other objections which arise from the peculiar provisions of the law itself.

In order to be just, it should be reciprocal, and extend to every County of the State, where foreigners may first land. Many of the inmates of our Alms House have come by the way of St. Johns and Quebec, and have entered our State through some other of our frontier Counties, and at last found their way to this city. There is no more reason why the City of New York should respond to these other counties, than that they, in turn, should respond to the city.

The law relates back to such paupers as may have arrived within the two preceding years, whereas the bonds already taken, do not contemplate any such liability, and would furnish no indemnity to the city: nor has the commutation money received been fixed with reference to any such entirely new responsibility.

The law is impracticable, from the want of means to identify the pauper as the same for whom a bond had been given,

or commutation paid. And its operation is peculiarly hard, in allowing the counties to fix their own amount of charge, without reference to the means of indemnity to the City of New York, provided by law.

Your Committee would be willing to accede to the proposition that whatever indemnity might be held by the city should be transferred for the benefit of such counties, as might be at charge for the support of any pauper, who had furnished such means of security. This proposition, however, to be equal should be reciprocal on the part of the other Counties of the State.

Your Committee are opposed to the whole policy and particular provisions of the annexed law, and would infinitely prefer that the whole system of poor laws, as at present existing, should be repealed, and that the old system of county settlements should be revived. They, therefore, recommend the adoption of the following resolution :

Resolved, That the Counsel of the Corporation prepare a memorial to the Legislature, remonstrating against the passage of the annexed law, and that he cause the same to be duly authenticated and transmitted to the Legislature of the State.

Respectfully submitted.

WM. CHAMBERLAIN,
EGBERT BENSON,
PETER COOPER.

AN ACT

RELATING TO FOREIGN PAUPERS LANDED IN THE CITY
OF NEW YORK.

*The People of the State of New York, represented in
Senate and Assembly, do enact as follows :*

SECTION 1. If any one of the Superintendents of the Poor of any County in this State shall suspect any pauper therein to be a foreigner, and to have been, within the next preceding two years, brought from some foreign port and originally landed in the City of New York, such Superintendent shall notify the other Superintendents of the said County, who, or a majority of them, shall inquire into the fact; and if they are of opinion that such pauper is a foreigner, and that he, on his original importation, was landed in the City of New York, within two years next preceding as aforesaid, such Superintendents, or any one of them, may, at any time thereafter, give notice thereof, in writing, to the Commissioners of the Alms House and Bridewell of the City of New York, or any one of them, setting forth the name and age of such pauper, as near as may be, and requiring the said Commissioners to provide for the relief and support of such pauper.

§ 2. The said Commissioners of the Alms House and Bridewell of the City of New York, may, at any time after receiving such notice, cause the said pauper to be brought to the said city, and there provide for his or her support; and

until the said Commissioners shall take charge of the support of such pauper, the said Superintendents or their agent shall provide for his or her relief and support, as in other cases of county paupers; and the Mayor, Aldermen and Commonalty of the said City of New York, shall pay the said county to which said pauper shall be chargeable, for the maintenance and support of such pauper, and of such child or children of such pauper as may have been born subsequent to his or her importation, from the time of the service of such notice until the expiration of two years from and after the importation of such pauper, according to the account of such Superintendents or their agent, to be audited by the Treasurer of the County to which said pauper may be chargeable.

§ 3. The said Mayor, Aldermen and Commonalty of the City of New York, shall in no case be liable for the support of any pauper, as provided in the preceding section of this Act, unless the said Mayor, Aldermen and Commonalty shall have been indemnified for the support of such pauper, according to the Act entitled "An Act to reduce several laws relating particularly to the City of New York, into one Act," passed on the ninth day of April, one thousand eight hundred and thirteen; or unless the said Mayor, Aldermen and Commonalty shall have compounded for the support of such pauper, by virtue of the said Act.

§ 4. If any such pauper shall have been reported, in writing, to the Mayor or Recorder of the said City, by any master or commander of any vessel, according to the provisions of the two hundred and fifty-first section of the abovementioned Act, such report shall in all cases be conclusive evidence that the said Mayor, Aldermen and Commonalty have been indemnified, or have compounded for the support of such pauper, as mentioned in the third section of this Act.

§ 5. This Act shall take effect immediately.

DOCUMENT No. 81.

BOARD OF ALDERMEN,

MARCH 22, 1841.

Report of the Finance Committee, in relation to the Leasing of Castle Garden. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Finance, to whom were referred the Report of the Finance Committee of the Board of Assistant Aldermen, and the resolution appended thereto, and other papers, in relation to a lease of Castle Garden, respectfully

REPORT:

That they have again given to the subject much consideration, and while they differ from the propositions recommended by the Board of Assistant Aldermen, they also propose an alteration in the plan heretofore submitted by themselves. It is proposed by the Board of Assistant Aldermen, that Castle Garden should be leased for the term of five

years, to the parties offering the highest rent for it, accompanied by sufficient security for the punctual payment of such rent, and also that the persons to whom the lease should be granted, should pay to the present lessee a proper equivalent for the fixtures, &c., that he has placed upon the premises. Your Committee concur in these general views, but propose a change in the manner in which they are to be carried into effect. They propose that a given rent shall be fixed for Castle Garden, and that sealed proposals be received containing a statement of what sum or bonus will be paid *in cash* for the lease at that rent, the lessee to pay the present tenant such sum, for the fixtures, that have been placed upon the premises by him, as may be decided upon by appraisers, chosen in the usual manner. They therefore submit the following resolutions for the consideration of the Board :

Resolved, That this Board do non-concur with the Board of Assistant Aldermen, in relation to the leasing of Castle Garden.

Resolved, That Castle Garden be leased for the term of Five Years, at an annual rent of fifteen hundred dollars, payable quarterly, and on the usual quarter days.

Resolved, That public notice be given by the Comptroller, that sealed proposals will be received at his office, until a certain day, stating the sum or bonus that will be given in cash, for a lease of Castle Garden for the term of five years, at a rent of fifteen hundred dollars per annum, payable quarterly, on the usual quarter days, and the names of the persons to be security for the faithful performance of the covenants, to be contained in such lease ; which proposals are to be opened in the presence of the Finance Committees of both Boards, and the lease to be given to the highest bidder, provided the security offered shall be satisfactory to the Committees.

Resolved, That all the reservations, restrictions and covenants contained in the present lease, be inserted in the new lease proposed to be granted, with such additional reservations, restrictions and covenants as the Finance Committee may deem advisable.

Resolved, That before the execution and delivery of the said lease to be granted, the proposed lessee shall stipulate and agree to pay to the present lessee, such sum for the fixtures, &c., that may have been placed upon the premises by the latter, and owned by him, as shall be decided by appraisement; the present tenant to choose one appraiser, the proposed lessee another, and in case of disagreement on their part as to the value of such fixtures, they two to choose a third, and the decision of any two of such appraisers to be final and conclusive.

All which is respectfully submitted.

WM. CHAMBERLAIN,
EGBERT BENSON,
PETER COOPER.

BOARD OF ASSISTANTS,

MARCH 15, 1841.

The Finance Committee, to whom was referred the annexed papers from the Board of Aldermen, relative to leasing Castle Garden, respectfully

REPORT:

That they have heard the several persons who have made application to lease the said garden; and after having bestowed much consideration on the subject, they are apprehensive, from the degree of interest manifested in relation to this subject, that no report can be made *in favor* of any one applicant, that will be generally satisfactory to the others, or to the Board; and they have come to the conclusion to recommend a non-concurrence in the resolutions adopted by the Board of Aldermen, and *in favor* of leasing the garden for three years to the highest bidder, who can give satisfactory security for the payment of the rent, public notice to be given, that sealed proposals will be received at the Comptroller's office up to a certain day, and the proposals to be opened in the presence of the Finance Committees. In accordance with these views, the Committee submit for adoption the following resolutions:

Resolved, That the resolution adopted by the Board, of Aldermen, be non-concurred in.

Resolved, That the Comptroller give public notice that sealed proposals will be received at his office to a certain

day, for a lease of Castle Garden, for the term of five years from the first day of May next, and that the said proposals be opened in the presence of the Finance Committees, and the lease be given to the highest bidder. The person leasing the same to pay the present proprietor for the fixtures placed there by him such amount as shall be agreed upon by three disinterested persons, (one to be appointed by each of the parties, and the two thus chosen to select the third,) provided he furnish to the Finance Committee satisfactory security for the payment of the rent. The lease to contain the restrictions and covenants in the present lease.

JACOB A. WESTERVELT,
JAMES POLLOCK,
THOMAS F. PEERS.

BOARD OF ALDERMEN,

FEBRUARY 8, 1841.

The Finance Committee, to whom were referred the several petitions, for a lease of Castle Garden, from the first of May next, respectfully

REPORT:

That the subject has been called up for consideration at almost every meeting of the Committee for a considerable time past. Several of the applicants appeared before the Committee, and were afforded a full hearing, in reference to their applications. Henry Marsh, the present lessee, and an applicant for a renewal of his lease, also appeared before them. According to his statement he has expended a very large amount of money for the fixtures he has placed in the garden and in the alterations he has made there. He at first valued his fixtures at about twelve thousand dollars, but was willing to part with them at an impartial valuation, to be decided by appraisement, in case the premises were leased to another person. Your Committee are, however, informed that he subsequently stated that, in the event of his not obtaining a new lease, he would take from six thousand dollars to seven thousand dollars for his fixtures, rather than to be subjected to the expense and trouble of removing them.

Your Committee, anxious to protect, as far as is consistent with equity, the rights and interests of Mr. Marsh, stated to such of the applicants as appeared before them the views of Mr. Marsh in relation to his fixtures. None of the applicants appeared willing to acquiesce to the full extent in the

propositions of Mr. Marsh. They were willing to take by appraisement such of his fixtures as they might want, at the same time stating that they might possibly want but few of them, as in all probability they would desire to make material alterations in the plan and style of the fixtures. This would place the present lessee entirely within the power of a new one, so far as his fixtures were concerned, and injustice might possibly be done, and a loss to a considerable extent be thereby sustained by him.

These views also militated against the proposition of leasing the premises at public auction, which was, at different times, suggested in the Committee, and which, perhaps, under ordinary circumstances, would be the most advantageous and impartial manner of disposing of the public property, whether permanently or for a term of years.

Your Committee have, therefore, under the circumstances, concluded to recommend that the premises be leased to Henry Marsh, the present lessee, for the term of three years from the first of May next, at the rent of fifteen hundred dollars per annum:—the lease to contain similar covenants to the last one, and good and sufficient security to be given, to be approved by the Finance Committee, for the faithful performance of such covenants, and for the faithful payment of the rent at the times upon which it shall fall due. With these reasons the Committee propose for adoption the following resolution :

Resolved, That a lease of Castle Garden be executed to Henry Marsh, for the term of three years from the first day of May, 1841, at an annual rent of fifteen hundred dollars, payable quarterly, in the same manner as specified in the former lease, and upon the usual quarter days. The said lease to contain covenants similar to those contained in the former one, and the lessee to give good and sufficient security to be approved by the Finance Committee, for the faithful performance of such covenants, and for the punctual payment of the

rent at the several times at which it shall fall due; and that in the event of Mr. Marsh, the lessee of Castle Garden, being desirous of disposing of the lease before the termination thereof, that it shall revert to the Common Council.

All which is respectfully submitted.

WM. CHAMBERLAIN,
EGBERT BENSON,
PETER COOPER.

The Committee on Finance of the Board of Assistant Aldermen recommend a concurrence in the above report and resolution.

JACOB A. WESTERVELT,
JAMES POLLOCK,
THOMAS F. PEERS.

DOCUMENT No. 82.

BOARD OF ALDERMEN,

MARCH 22, 1841.

Report of the Croton Aqueduct Committee, since the last regular meeting of the Board, in compliance with an ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

CROTON AQUEDUCT DEPARTMENT, }
MARCH 22, 1841. }

Report of the proceedings of the Croton Aqueduct Committee, since the last regular meeting of the Board of Aldermen.

The Committee met on the 19th March, 1841—present Aldermen Cooper and Nichols; Assistant Aldermen Leonard and Wood. The Aqueduct Commissioner presented the bills enumerated in the following schedule, which, after examination, were audited and directed to be paid—all present voting in the affirmative.

Voucher

No. 71. Pay list of 1st company of aque-		
duct workmen	\$147 00	
72. Pay list of 2d company of aque-		
duct workmen	145 88	
73. Pay list of 3d company of aque-		
duct workmen	211 57	
74. Pay list of 4th company of aque-		
duct workmen	128 13	
75. Pay list of 5th company of aque-		
duct workmen	139 47	
	<u> </u>	\$ 772 05
76. James McCullough, bill for lead		1,401 31
77. S. S. Wandell, bill for white		
washing pipe	\$ 97 06	
S. S. Wandell, bill for digging,		
filling, &c., trenches	1,250 00	
	<u> </u>	1,347 06
78. James Robertson, bill for fitting up stop-		
cocks, &c.		1,000 50
79. T. & G. Rowe, bill for castings		412 96
80. R. B. Dickirman, bill for yarn		218 54
81. T. Gallagher, bill for cartage ...	\$48 00	
82. Henry Salor, do.	43 13	
83. Patrick Slavin, do.	41 62	
84. John I. Cooper, do.	44 25	
85. Perez Reynolds, do.	33 38	
86. Mathias Carstine, do.	52 87	
87. Thomas Miller, sen., do.	33 00	
88. Thomas Miller, jun., do.	33 38	
89. John C. Wandell, do.	15 37	
90. Abraham Teale, do.	12 75	
91. Thomas Maher, do.	82 00	
	<u> </u>	439 75
92. John Cummings, bill for branch pipes,		
sleeves, &c.		1,374 16
	<u> </u>	
Amount carried forward,	\$6,966 33	

	Amount brought forward,	\$6,966 33
Voucher		
No. 93.	Stephen Colwell, bill, for pipes	7,820 59
94.	John Spier, bill for hydrant boxes	78 00
95.	William Plumb, bill for expenses	15 13
		<hr/>
		\$14,880 05

PETER COOPER,
SAMUEL NICHOLS,
WILLIAM L. WOOD.

DOCUMENT No. 83.

BOARD OF ALDERMEN,

MARCH 22, 1841.

The Joint Special Committee on the Croton Aqueduct, to whom was referred the communication from the Acting Mayor, transmitting a letter from the Water Commissioners, with a copy of a Memorial presented by them to the Legislature in relation to payment of contracts made by them for work done south of Murray's Hill, &c., &c., presented the following report thereon, which was laid on the table and double the usual number ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Croton Aqueduct Committee, to whom was referred a copy of the communication made by the present Board of Water Commissioners, respectfully

REPORT:

That in examining said communication, they find in the first section the declaration that their duties consisted in bringing the Croton water into the City of New York.

The present Water Commissioners have not confined their efforts to bringing the Croton water, as directed by law through a close aqueduct of masonry to the Distributing Reservoir at Murray's Hill, but have assumed the power to distribute the same in direct opposition to the law, as understood by the former Committee of the Common Council, who instructed the Water Commissioners to proceed with the work of bringing the water to Murray's Hill, and at the same time informed them, that "the laying of the water pipes formed a *part of the settled policy of the city*, and would continue to be performed by them," as it had been from the commencement of the work to that date.

It must be apparent that neither the Common Council, who asked for a law to enable them to obtain a supply of water for the use of this city, nor the Legislature, who granted that law, could have intended to take from the inhabitants of this city all control over a fund of some ten or twelve millions of dollars, and vest it entirely in a Board of Commissioners, giving them "exclusive power to control and judge of the proper expenditure of the same," without requiring them to give bonds or other security for the faithful performance of their duty. It cannot be possible that the Legislature ever intended to make the Water Commissioners the "exclusive guardians" of the water fund, (as they claim to be,) without requiring of them security for the proper and faithful application of that fund.

Your Committee have been surprised and astonished at the pretensions of the Water Commissioners who claim for themselves the power to take from the people of this city all control over the laying down of water pipes, which they have always continued to exercise through their representatives. And what is still more astonishing, that the present Water Commissioners should persist in asserting that the law upon which they found their claim, has a meaning, and makes requirements which the former Commissioners, who drew the plan (which the law was intended to carry into effect) de-

clare with one accord they never intended it to convey ; and all their practice under it from the commencement, shows them to be sincere, as all the plans that they drew up, and the contracts they made, had for their object a strict conformity to the law, which required that they should bring the Croton water through a close aqueduct of masonry, to the Distributing Reservoir at Murray's Hill : they still unite in saying, that *there* terminated all the duties that the law allowed them to perform.

Your Committee cannot perceive any other reason for the course pursued by the Water Commissioners than the one that naturally grows out of the fact stated in their communication, that the whole work, with the exception of the high bridge and the Distributing Reservoir, will be completed during the ensuing summer, which makes it apparent that unless some other powers and duties can be assumed, their services will not long be required.

Your Committee regret that the Water Commissioners should have allowed themselves, for any cause, to have given credit and currency to statements, which, when called upon for the proof, they were entirely unable to substantiate, as will appear by reference to the report of the Special Committee of the Board of Aldermen, Document No. 32.

It is, however, more to be regretted, that they should persist in misrepresenting the course of the Aqueduct Department of the Common Council, in their communication to the Legislature, in which they labor to show, that the course of the Common Council, the Comptroller, and the Aqueduct Department, have, by an improper construction of the law, thrown great obstacles in their way, which have greatly impeded them in the performance of their duties.

No persons can know better than the members of the present commission, that not a single bill of theirs for bringing the Croton water through a close aqueduct of masonry to Murray's Hill, has ever been rejected, or any other obstacle placed in their way by either the Common Council, the Comptroller, or the Aqueduct Department, (although many

bills have been thought extravagant by your Committee,) so that it must be apparent that any collision, difficulty, or impediment that they have encountered, has originated by their assuming duties, that neither the law, nor the Common Council had ever instructed them to perform.

In their communication it is stated, that they had supposed that they might faithfully discharge their duties as *guardians* of the *Water Fund*, and yet *permit* a *part* of the work of laying down distributing pipes to be performed under the direction of the Common Council, provided *they* (the Commissioners) could be satisfied that the work so executed would be conducted with a proper regard to economy and utility, and that the apparatus were of a suitable kind; and therefore, from time to time, after commencing on the duties of their office, they passed bills of expenditures for the Aqueduct Department of this Corporation.

The City Government, convinced that the laying of the distributing pipes required an organization different from what had formerly been deemed sufficient, organized an Aqueduct Department in August, 1840. It was intended at once to be efficient and economical, and the only extra officer created, was that of Aqueduct Commissioner.

Early in September, the Water Commissioners called upon the new department for returns of the work done, for a revision of the prices paid, for a statement of accounts, and for a definite and separate account of the cost of particular portions of the work.

These requirements would have been proper at a subsequent period. The new officer entered upon his duties August 10th, and the above formidable requirements were made of him September 11th. Those who know *any thing* about the details of public business must know, that one month is not sufficient for a stranger to a new and extensive work to become acquainted with its minutia, to devise judicious plans for carrying on that work, to select proper assistants for executing those plans, to arrange the business of purchasing

materials, to procure proper places to store them, to prepare a convenient and accurate mode of disbursing the large sums of money which the work must cost, and to devise a systematic and durable set of accounts and records. All this had to be done, and it would have been inexcusable to postpone it in order to attend to the less important questions of the Water Commissioners, who, after interrupting the work with one set of queries, doubtless stood ready to propose a second and a third, until the *delay* of the work should amount to a serious charge against the Corporation Officers and their management.

The Chairman of the Aqueduct Committee did, notwithstanding, call on the President of the Water Commissioners, and answered all such questions as he thought proper to ask, promising at the same time that a full and detailed statement should be presented as soon as it could be prepared for that purpose, and this explanation was believed by the Chairman of the Aqueduct Committee to have been satisfactory.

The Water Commissioners soon after preferred accusations of incompetency against the Aqueduct Department, specifying certain instances of work being executed contrary to all sound principles. After a full hearing before a Special Committee of the Common Council, the charge was not only shown to be unfounded, but the incompetency of the Water Commissioners to form a correct opinion upon the subject was so manifest, that Samuel Stevens, Esq., Chairman of that Board, acknowledged that this and the other charges had been so far explained to their satisfaction, that the whole question became a pure question of law, whether the right to carry on the work had been vested with them or the Common Council. For the details of the examination of this subject we refer to the report, a copy of which is hereunto annexed.

Having appealed to the law, by instituting a suit in Chancery, they appear to distrust the result of an interpretation by that Court, of the law as it is, and they, therefore, apply

to the Legislature to have a law made for their express purpose. Samuel Stevens, Esq., when urging his views before the Special Committee before mentioned, declared that the Corporation "would have to appear before the Legislature, cap in hand," as they were of different politics; and he plainly intimated that if the law had not already placed the control of the work in the hands of the Water Commissioners, it would be made to effect that object.

The time appears now to have come, for carrying this threat into execution; but the old and exploded charges are again made to do duty, as pretext for their present course. The following facts will show how little reliance they themselves place on the positions they have assumed and reiterated.

They represent to your Honorable Bodies that they consider cupola, or remelted iron, better than blast furnace iron, or that procured from the first fusion of the ore. One of the Water Commissioners, John D. Ward, Esq., is a manufacturer of 12-inch cupola iron pipes, which he has sold to the Corporation, at \$1 90 per foot. Mr. Ward, in presence of at least one of the other Commissioners, and of a Committee of the American Institute engaged in the discussion of this subject, was invited to test the quality of his own remelted iron water pipes at \$1 90 per foot, against a lot of one hundred blast furnace pipes, which are now offered for sale at more than twenty per cent. less. And it was distinctly announced, that if he or any other person had a lot of very superior remelted iron pipes, from six to twenty inches in diameter, they could have an opportunity of testing the same by pressure to bursting, or otherwise, against the pipes of the same kind from the blast furnaces of Mr. Richards, of Philadelphia, and Ellicott, of Baltimore. He did not accept the trial, but he assures your Honorable Bodies that he doubts the sufficiency of blast furnace iron, and the other founders, who stoutly maintain the superiority of remelted iron, are equally careful to keep aloof from the trial.

With respect to making a contract for lead with a member of the Board of Assistant Aldermen, no contract was ever made. The lead was bought in small quantities, for daily use. The practice was temporary, and never intended to be otherwise. A storehouse was in course of preparation, upon the completion of which, purchases of lead were made of wholesale dealers, at wholesale prices.

Good lead could not be purchased at four cents per pound in August and September, 1840, and the Water Commissioners never purchased it, *in those months*, at that price. They may have purchased, at some time previously, at that rate; but lead had risen in value at the time they objected to five cents per pound for the smaller quantities the Corporation were purchasing temporarily from Mr. Lee, for want of a safe storehouse.

Your Committee might, with equal propriety, refuse to audit the last bill of lead sent in by the Water Commissioners, as they have paid more for it than the Common Council are paying at this time for lead of the same quality.

With respect to stopcocks, the Water Commissioners strongly recommend an article that the Corporation have rejected as inefficient, having been obliged to take many of them out and put others in their places; and we learn that these same Water Commissioners are about to reverse their own conclusions, by getting up, under their auspices, a new article, which they doubtless will expect us to take on their bare recommendation, without any experience to back it, as an epitome of perfection—as an improvement on what they already certified could not, and need not, be improved.

The Commissioners complacently assume that the reduction in price from ninety-seven dollars to seventy dollars, of the stopcocks the Corporation are using, was owing, somehow or other, to them. This, however, is not the case, as will be seen by the following extract from the report of the Special Committee of the Corporation, Document No. 32, page 405: "This lowest price is exactly what is paid to

Mr. Robertson, under the new contract; and this price was fixed without knowledge of, or reference to, any proposals made to the Water Commissioners by the Philadelphia manufacturer."

The stopcocks now approved of by the Corporation, which are known as the new pattern, have never been used, except in the water pipes of this city, and that only for the last two years. During this time they have received the unqualified approbation of all the men who have been employed on the work, from the commencement to the present time, except Mr. Wenman, who is now in the employ of the Water Commissioners; and he had very little opportunity, during the short time he was employed on the work, after the introduction of the water into the pipes, to test their efficacy; as there was so little water obtained from the well that the tank (at Thirteenth street) was almost empty a great part of the time, and of course very little use was made of the stopcocks; and, moreover, the water that was obtained at that time was pure and clean, and not calculated to derange the cocks, or put them out of order. Since that time the Corporation has been compelled, in order to get a supply of water for the extinguishment of fires, to lead the water from the sewer, on the Sixth avenue, into the well, whence it is thrown up into the reservoir at Thirteenth street, and from thence runs into the pipes, carrying with it so much sand and dirt as to get the old kind of stopcocks out of order, and render them unfit for use: the pipes have then to be broken, in order to get them out and replace them with others. The new kind, however, are so formed as to be found, in practice, not to get out of order by allowing impure water to pass through them; and as we are not likely to have any other for near two years to come, your Committee have not believed it to be to the interest of the city to adopt the opinion of the Water Commissioners, who still strongly recommend the old kind, notwithstanding the experience of every day proves them to be unsuited to the water from the sewer we are obliged to use.

The Water Commissioners, not satisfied with the difficulties and embarrassments already thrown in the way of your Committee, have brought the subject of the stopcocks before a Committee of the American Institute, in order, we presume, to urge the use of the old kind of stopcocks in preference to the new, notwithstanding all the practical difficulties that are found in their use.

The actual difficulty of keeping the old kind in repair, has made it necessary to take ten of them out and put others in their places, during the last year. From the commencement to the present time there has not been a single one of the new kind taken out, notwithstanding the fact that there are about one-quarter more of new than of the old kind in use.

To prove the advantages of the old kind the Commissioners read a letter from Mr. Graff, of Philadelphia, saying that he found them to answer well in that city. This is easily explained when we recollect that in that city the water is pure, clean, and free from sediment. Another letter was read in answer to the former, from Mr. Graff, stating that he had tried a number of stopcocks, of the old kind, made in Philadelphia, and found them all unfit for use, except those which he has caused to be made under his own immediate direction, by men employed by him for that purpose.

Your Committee were invited to attend, which they did. In addition to the letter from Mr. Graff, read before a Committee of the Institute, Mr. Dunham was called upon to express his opinion on the part of the Water Commissioners. He stated that he, while foreman for Messrs. Fry and St. John, made some thirty-one or thirty-two of the old kind; and, to use his own words, "they were made in the most *unprincipled* manner." He further said, that they were made of materials unfit for the purpose; and that, in his opinion, neither kind was fit for use: even the one imported from Philadelphia, as a pattern, by the Water Commissioners, he said, was made improperly, and not in a workmanlike manner, as *he now makes them at his factory.*

Mr. How was then called upon, who stated that he had been Water Purveyor for a number of years, and was well acquainted with the use of both kinds; and that while the old kind had been a source of constant expense and trouble, the new kind had been found, in practice, to work well, to close off the water perfectly, and giving comparatively no trouble to keep them in order. He also stated, that he had been compelled to close off over twenty of the old kind of stopcocks, and was then unable to make a connection without shutting the water off at the reservoir.

Mr. Small was then called upon, who stated that he had been in charge of laying down water pipes, and using both kinds of stopcocks, and that he had found constant difficulties with the old kind, while the new kind had answered all the purposes of closing off the water, so that in only one case has he ever had occasion to close a second cock to effect that object. In confirmation of all these facts, the affidavits of eight of the most intelligent workmen were presented. Several of these men have been employed on the work from the commencement to the present time, and all unite in stating their knowledge of the great difficulties that have attended the old kind, and the entire success of those now used by the Corporation.

As the organization of the Croton Aqueduct Department progressed, it was found that water pipes could be bought of blast furnaces, from twenty to thirty per cent. less than from remelted iron. It was also found, that by discontinuing the practice of buying castings, and by purchasing stopcocks ready made, they could be had for seventy dollars each. Although the Water Commissioners modestly take the credit of the reduction in the price of the stopcocks, they say nothing about the vastly more important reduction in the price of the pipes. They are apparently unconscious that any reduction has been effected.

There is another subject to which your Committee would respectfully call the attention of the Common Council, viz. :

the great importance of suspending the work on the high bridge at Harlaem River, as it has become apparent that great sacrifices must be made to raise the million of dollars or more that will be required to complete it.

The propriety of this measure will appear, when it is known that the water, by the present arrangement, is intended to be brought over Harlaem River by pipes temporarily laid, to be used while the work of building the bridge is in progress. Your Committee do not see the propriety of making so great a sacrifice, when there is no kind of necessity for it, as we are to have the water as well without, as with it. Your Committee would most earnestly recommend to this Common Council, to request the Water Commissioners to make one section of the temporary pipes for bringing the Croton water over Harlaem River, into such form of inverted syphon, of about fifty feet long, as will admit of being sunk to a sufficient depth for all the purposes of navigation. This may be done by making a pipe of strong boiler iron, to be put together in a scow, built for the purpose. The two ends of this pipe should be turned up, of a sufficient length to bring the ends of the pipe above the top of the water, after the main body, together with the float, had been sunk to a sufficient depth to admit of vessels passing over them; leaving the upper ends sufficiently above the water to allow the other pipes, on the temporary bridge, to be connected to them with convenience. By bringing the water over in this way, without obstructing the navigation, there will be no good reason for completing the bridge until the experiment of supplying the city with water shall have been fairly tried, and the income found sufficient to warrant the expense.

PETER COOPER,
WILLIAM CHAMBERLAIN,
SAMUEL NICHOLS,
WILLIAM L. WOOD.

MEMORIAL

PRESENTED TO THE LEGISLATURE

BY THE

WATER COMMISSIONERS.

TO THE HONORABLE THE SENATE AND HOUSE OF
ASSEMBLY OF THE STATE OF NEW YORK:

The undersigned, the Water Commissioners of the City of New York, respectfully represent:

That in the month of March last, they took upon themselves the performance of the duties of their office, and have, up to the present time, continued to devote their time and attention to the carrying on to completion, the work of introducing the Croton Water into the City of New York.

That they have the satisfaction of communicating to your Honorable Bodies, that the portion of the line of aqueduct, in Westchester County, between the Croton Dam and the Harlaem River, embracing a distance of thirty-two miles, is entirely completed, except about one hundred and forty yards in length, at the Mill River Valley, which unfinished part will be completed during the next season.

The remaining portions of the line, including the high bridge at Harlaem River, and the Receiving and Distributing Reservoirs, are in such a state of forwardness as to justify the expectation that the whole, with the exception of the

three heavy contracts, (the high bridge and the two reservoirs,) will be completed during the ensuing summer.

The high bridge is progressing as rapidly as the nature of the work will allow ; and it is expected it will be so far constructed as to admit of a temporary connection with the line, for the admission of the water into the city in the summer of 1842, by which time the two reservoirs will be completed and the water introduced.

For a more minute and detailed statement of their operations, the undersigned beg leave to refer your Honorable Bodies to their report, made to the Common Council of the City of New York, in January last, several printed copies of which are herewith submitted.

This Board also respectfully represent to your Honorable Bodies, that the Common Council of the City of New York have been, and are now, engaged in procuring and laying down the distributing pipes for the Croton water, through different parts of the city, a work which the undersigned have supposed to have been placed by law under the exclusive direction and control of this Board; and that the Common Council have already paid large sums of money for work and materials for this purpose, and have charged the same to the Water Fund, which by law, as the undersigned believe, is entrusted to the control of this Board; and that the Corporation also have made, or are about making, heavy contracts for continuing this work, all the expense of which they propose to charge to the Water Fund; although the Act of your Honorable Bodies, passed the 27th of April, 1840, provides that "no part of the fund created, or any other fund raised for the purpose of constructing or completing the Croton Aqueduct, and the works connected therewith, and distributing the water throughout the city, shall be diverted from such object; and no item of expenditure, hereafter to be made by the Corporation of the City of New York, and not approved by the Water Commissioners and Comptroller of said City, shall be charged by the Corporation of

the said City to the debit of said fund;" and that "the money to be raised by virtue of this Act, shall be applied and expended to and for the purpose of supplying the City of New York with pure and wholesome water, according to the provisions of the Act 'thereby amended;'" which amended Act was the Act of May 2d, 1834, and made no reference to the Act of 1838, by which the Corporation was authorized to charge the Water Fund with the expense of laying down the distributing pipes.

The undersigned, under their view of the law of April, 1840, considered that they were in reality the *Trustees of this Fund*, and that they were invested, exclusively, with powers to control and judge of the proper expenditure of the same; and that it was their duty to see that no portion of it was diverted from the object of supplying the city with water; and that all works connected with such object should be faithfully, skillfully and economically performed; and they also believed that their said powers extended to the carrying out of the said object to a successful, useful and profitable conclusion, by the introduction of the water of the Croton into the city for the use of its inhabitants.

But in the discharge of these their duties, they have met with serious obstacles, and have been much impeded and embarrassed, by an unfortunate collision with the Common Council and the Comptroller, arising from conflicting interpretations of the laws creating this commission and enjoining their duties.

The undersigned supposed they might faithfully discharge their duties as guardians of the Water Fund, and yet permit a part of the work of laying down distributing pipes, to be performed under the direction of the Common Council, provided they could be satisfied that the work so executed would be conducted with a proper regard to economy and utility, and that the apparatus used were of a suitable and proper kind; and therefore, from time to time, after commencing upon the duties of their office, they examined and approved the bills

of expenditure for the work the Corporation were performing, (which were submitted for that purpose by the Comptroller, in order that he might lawfully charge the amount to the Water Fund,) until they had approved and allowed of charges to this fund, between the 13th of May and 25th of September last, to the amount of \$69,650 01; which practice was continued for a short time after the Common Council had created a new department, called the "Croton Aqueduct Department," and appointed Hiram A. Norris, Croton Aqueduct Commissioner, and placed this work under his direction.

The undersigned took an early opportunity, after the appointment of this officer, with a view of exercising a proper supervision over the work entrusted to him, to obtain from him such information as would enable them to judge of the manner in which the said work was being performed; and accordingly, on the 11th of September last, addressed to him a communication in the words following:

"WATER COMMISSIONERS' OFFICE, }
NEW YORK, SEPT. 11, 1840. }

"*To H. A. Norris, Esq., Aqueduct Commissioner :*

"SIR:—

"The Board of Water Commissioners beg leave to call on you, to know through what streets the pipes have been laid down, for which you render your bills from August 19th to September 2d; and also the number and size of pipes laid; and also the quantity of lead used in making the joints of the same; also as relates to the bill of paving; whether the whole of this bill, amounting to \$903 25, is applicable exclusively to the laying down of pipes in your bill above referred to; and if the three carting bills, amounting to \$203 75, are wholly applicable to the carting of the above pipes; also if you will please send to this office one of the six-

inch and one of the twelve-inch stop cocks which you are using.

“Very respectfully, your obedient servant,

“SAMUEL STEVENS,

“*President.*”

On the 26th of September this Board received a copy of an ordinance of the Common Council, passed by them and approved on the 24th of the same month; whereby, among other provisions, the undersigned were restricted from making contracts for any work to be done, south of the Distributing Reservoir, and authorizing the Comptroller to charge the Water Fund with all the requisitions of the *Croton Aqueduct Commissioner* for, or on account of procuring and laying down water pipes in the city south of the Distributing Reservoir, when the same are ratified by the Croton Aqueduct Committee of the Corporation:—thus virtually disregarding and contemning the Water Commissioners’ interpretation of the law passed by your Honorable Bodies, which forbids the charge of any items of expenditure to the Water Fund, without the approval of the same by the *Water Commissioners*.

On the first of October the Comptroller of the Corporation made a communication to the undersigned, by which *he too* informed them, that he no longer considered it was necessary that this Board should approve of the bills of expenditure, claimed by the Corporation to be proper charges against the Water Fund, and expressing an opinion, that he should pay the Corporation expenditures without our approval. The undersigned, therefore, having received no answer to their above communication, asking for information in relation to bills above referred to, returned them on or about the second day of October, accompanied by the following resolution:

“*Resolved*, That the accounts of the Aqueduct Commissioner transmitted to this Board by the Comptroller for our approbation, be not approved; because there is no informa-

tion before us to show the number of pipes laid, or the places where laid, or the rate at which they are laid by any given number of men. And although asked for, the information has not been furnished, by which we could ascertain whether the large amount of labor charged is properly directed. Because the *prices* charged for stopcocks, lead, labor, repaving the streets, and sundry other items, are higher than the market value of such labor and materials: and also, because we have reason to doubt whether the work can ever be executed by a Committee of the Common Council in such manner as to be durable and useful to the citizens."

In pursuance of the views of the Corporation, the Comptroller also refused to pay our drafts given to contractors, for work done on the line, south of the Distributing Reservoir at Murray's Hill, near Fortieth street; and there are now several sums of money due to these contractors for work done, which both the Comptroller and the Common Council refuse to pay, to the detriment and injury of the Croton Water Works, as well as to the creditors of the city.

By the action of the Corporation, our duties were limited to Murray's Hill, and our supervision, to the *subjects* of expenditure; we were informed that if the laying down of pipes was a proper subject of expenditure, then we must pass the bills; that the State law did not authorize us to judge of the proper description of castings, of the price they were paying, or of the apparatus they were using.

A supervision of this nature was, in our judgment, idle in the extreme; and we did not yield to their view of the law, but resisted it. And after considerable delay and difficulty in procuring the funds necessary to carry on the work, we (after first making known our intention of an application to the legal tribunals of the State to the Chairman of the Croton Aqueduct Committee, having charge of this subject, and receiving, as we thought, his approval of such a course,) filed a bill in Chancery, claiming our construction of the law, to

be the correct one, and asking an injunction restraining the Comptroller and Corporation from charging the Water Fund with the expenditures they were making.

The application was fully argued before the Assistant Vice Chancellor Hoffman, who gave an elaborate opinion, that this Board were not limited to Murray's Hill at Fortieth street, nor were the Corporation authorized to charge the Water Fund for any expenditures except they were approved by the Water Commissioners; thus entirely sustaining the views of this Board.

The undersigned had hoped that this legal decision on these points would have settled what ought to have been the proceeding of the Corporation, and what were our duties; but instead thereof, we were informed that they did not keep this fund separate, and that the injunction was inoperative. And the Corporation, as we understand, immediately went on and entered into large contracts, in violation of the spirit of this decision, and at variance with the laws of the State, as we understand them, and as the Assistant Vice Chancellor decided them to be. And the Corporation still refuse to pay the contractors for work done south of Murray's Hill; and moreover, even refused to pay the bill of expenses incurred by us, in this effort to instruct ourselves and ourselves in what our respective duties were. And subsequently they appealed to the Chancellor at Albany, and required us to litigate this affair over again at Albany, and deny us still, the means of employing counsel, as if they considered the law was most likely to be correctly interpreted, by hearing one side of the case only.

Our real difficulties with the Corporation, we presume, grew out of the fact of our letter to Mr. Norris, above referred to. We disapproved of the castings directly from the ore, giving preference to the remelted iron for the works. But we disapproved of one of the Assistant Aldermen, not a dealer in lead, making heavy contracts with himself, for the supply of this article, at five dollars per hundred pounds, when

we had purchased as good an article for four dollars per hundred pounds, being in violation of an Act of your Honorable Bodies, making it unlawful for any member of the Common Council to contract with themselves. In the performance of our duty, as we understood it, we complained of the *description* of stopcocks the Corporation were using, a very costly and important apparatus of the work. Our engineers, and our predecessors had all disapproved of them. We objected to the prices the Corporation were paying for the stopcocks (ninety-seven dollars each). We considered they might certainly be procured for seventy-five dollars each. The same Committee of the Corporation subsequently purchased them, as we are informed and believe, at seventy dollars each, by which difference in price, thousands of dollars will be saved to the city.

We mention these subjects to show the reasonableness of our demand for particulars and explanations, as to the bills sent us for approval.

It became evident that such examination of the expenditure of the Corporation, was not agreeable to them, and the Comptroller changed his opinion of the law; and it was under such circumstances, we sent back the parcel of bills unapproved, above referred to.

From the above facts, it will appear evident that this conflicting claim for the care of this work south of Murray's Hill and the Water Fund generally, should be settled by the Legislature.

If by the law of 1840, the Corporation of New York, have a right to expend the Water Fund, then it is desirable that they should be permitted to do it, without any control or supervision on the part of the State Water Commissioners; as from their mode of laying pipes (all which business, by the by, that has ever been done in the city having been done by them,) we despair of being able to act in concert with them.

If it is deemed expedient to permit the Corporation to expend any part of this fund, then we respectfully ask the repeal of so much of the law of April, 1840, as puts the expenditure of this money by the Corporation, under our supervision.

But if, on the contrary, this commission is considered the proper tribunal to have the charge of the whole work, and of the expenditures connected therewith, then we apprehend, a law should be passed, requiring the Comptroller and Corporation of the City of New York, to keep this fund in the hands of the Chamberlain of the said City, as a distinct fund, and not mingle the same with the ordinary city funds, and not to pay out the same, except on the draft or check of the Corporation or their officers, to be first also signed by the President of the Board of Water Commissioners.

And further, that the Corporation Comptroller should, without unnecessary delay, make out on such principles as the Water Commissioners and himself should mutually agree upon, an account (which we understand has never been done) of the whole amount charged to the Croton Water Works from its commencement, as between this work and the Corporation of the City of New York, and that the balance, if any, found due to the Croton Water Works, be paid to the Chamberlain of the city, to the credit of the Water Fund account.

The law of April 27, 1840, authorized the Corporation to borrow 3,000,000 of dollars. The exact state of the account, at the time this authority was granted, is unknown to the undersigned. This Board have expended since the 20th of March last, and up to 1st of January last \$1,614,080 83, and approved of bills of expenditures made by the Corporation, amounting to \$69,650 01, as before stated, up to the time when the Corporation considered our approval of these expenditures no longer necessary.

The balance of the three million loan, if borrowed, should

be to the credit of the Water Fund, and made subject, by special deposit, to the joint draft of the Corporation, and the President of the Board of Water Commissioners.

All which is respectfully submitted.

(Signed)

SAMUEL STEVENS,
JOHN D. WARD,
ZEBEDEE RING,
BENJAMIN BIRDSALL,
SAMUEL R. CHILDS,
Water Commissioners.

New York, March 6, 1841.

DOCUMENT No. 84.

BOARD OF ALDERMEN,

MARCH 29, 1841.

The Joint Special Committee on the Croton Aqueduct, to whom was referred a Communication of the Comptroller, transmitting a copy of a contract made by the Water Commissioners with Messrs. Wintersteen and Myer, for 500 tons of Water Pipes, presented the following report against approving the same, which was laid on the table and ordered to be printed for the use of the members.

SAMUEL J. WILLIS, CLERK.

The Committee on the Croton Aqueduct, to whom was referred a contract made by the Water Commissioners with Messrs. Wintersteen and Myers for five hundred tons of water pipes,

REPORT:

that from the size of the pipes specified in the annexed contract, it is apparent that they are intended for the distribution of the water south of Murray's Hill.

Your Committee are of the opinion that all attempts by the Water Commissioners to usurp the control of this branch of the City Government, either by making contracts for, or laying down, water pipes, south of the Distributing Reservoir at Murray's Hill, is in direct opposition both to the laws of the State and to the Ordinances of the Common Council, which prescribe and define their duties. Your Committee therefore offer the following resolution:

Resolved, That the annexed contract for iron pipes made by the Water Commissioners with Messrs. Wintersteen and Myers be not approved, for the reason above mentioned.

PETER COOPER,
WILLIAM CHAMBERLAIN,
MOSES G. LEONARD,
WILLIAM L. WOOD.

OPINIONS

DELIVERED IN THE

COURT FOR THE CORRECTION OF ERRORS,

IN THE QUO WARRANTO CASE

AGAINST THE

Mayor & Aldermen of the City of New York.

FURNISHED TO THE BOARD OF ALDERMEN

BY JOHN L. WENDELL, Esq.

STATE REPORTER.

BRYANT & BOGGS, PRINTERS TO THE BOARD OF ALDERMEN,

27 Pine Street.

1870

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BOARD OF ALDERMEN,

JANUARY 11, 1841.

Alderman Graham presented the following resolution, which was unanimously adopted, viz.:

"Resolved, That the Clerk of this Board be requested to procure from John L. Wendell, Esq., the State Reporter, copies of the opinions which were delivered in the Court for the Correction of Errors in the quo warranto case against the Mayor and Aldermen of the City of New York, and that the same when procured be printed for the use of the members of this Board."

SAMUEL J. WILLIS, CLERK.

IN THE COURT OF ERRORS.

THE PEOPLE OF THE STATE OF NEW YORK, }
vs.
ISAAC L. VARIAN AND OTHERS. }

THE CHANCELLOR.

The information in the nature of a *quo warranto*, was filed against the several defendants by the Attorney General, for the purpose of obtaining a judicial decision depriving them of the right which they claim under the Charter of the City

of New York, and the several statutes of the State, to execute the duties of the office of Judges of the County Courts, and Courts of Oyer and Terminer in that city, by virtue of their respective offices of Mayor and Aldermen. That the defendants were duly and constitutionally elected to the offices of Mayor and Aldermen of the City of New York, and were duly qualified, according to law, is admitted by the demurrer. Nor is it denied on the part of the Attorney General, that the statutes of this State, as well as the provisions of the City Charter, do, in terms, confer upon the Mayor and Aldermen the power and right to act as such Judges, *ex officio*. It is insisted, however, by him, and the other counsel for this prosecution, that the provisions of the City Charter and of the several statutes of the State, under which the defendants claim the right to exercise such judicial powers, are in conflict with the Constitution, and, therefore, void. The provision of the Constitution which is principally relied on by the Attorney General, and the other counsel for the plaintiffs in error, to show that the Mayor and Aldermen of cities who are elective officers, cannot, *ex officio*, be Judges of the local Courts in their respective cities, nor exercise the various other judicial powers attempted to be conferred upon them by the statutes of the State, or their City Charters, is the seventh section of the fourth article of the Amended Constitution of 1821. That section provides that all judicial officers (except the Justices of the Peace in the several towns, whose appointment was otherwise provided for in the same section) shall be appointed by the Governor, with the consent of the Senate. The sixth section of the fifth article, is also relied upon by the Attorney General, as showing that the term of office of the Judges of County Courts is fixed at five years; and, therefore, that the Mayor and Aldermen of New York, who are elected annually, cannot, *ex officio*, exercise the powers and duties of Judges of those Courts in that city.

If these were the only provisions in the Constitution which

were applicable to the appointment of officers who were then in the actual discharge of the duties of Judges of the County Courts in the City of New York, in virtue of their election or appointment to some other office, or as to officers in other parts of the State, who were exercising certain judicial powers, *ex officio*, at the time of the adoption of the Constitution, there would still be much reason to doubt whether the framers of that instrument intended to deprive the Legislature of the right or power to authorize an elective officer to do any *ex officio* act which was in its nature judicial; or whether the restriction contained in the seventh section of the fourth article, was not intended to be confined to the actual appointment to office of that class of magistrates who were judicial officers, in the ordinary and popular meaning of those terms.

No such question as that, however, arises in the case under consideration. For, at the time of the adoption of the Constitution of 1821, the Mayor and Aldermen of the City of New York, and the same class of officers in several other cities of the State, were in the legal and actual exercise of all or nearly all the judicial powers which they now claim the right to exercise under their respective charters, or under any statutory provision. And the constitutional provisions which the Attorney General relies on to sustain this information, must be construed not only in reference to provisions contained in other parts of the Constitution itself, but also with reference to the various institutions which were existing at the time of the adoption of this fundamental law, for the future regulation of the government of the State.

The adoption of a new Constitution by a political body already organized and established, is not, as was contended for in this case, a bloodless revolution, which is to sweep away all existing institutions whose continuance is not expressly provided for in the Constitution itself. On the contrary, it leaves all existing institutions and offices not expressly abolished, and the continuance of which is not inconsistent with the letter or the spirit of such new Constitution,

in the same state in which it found them ; subject, however, to the regulation and control of future legislation, so far as such legislation is not inconsistent with the provisions of the new Constitution, as the paramount law.

The general provision in the Constitution, that all judicial officers, except Justices of the Peace in towns, shall be appointed by the Governor and Senate, is, undoubtedly, broad enough in its terms, to apply to Mayors and Aldermen of cities ; who, from time immemorial have exercised many powers and duties, which were strictly judicial in their character : and as the object of that clause of the Constitution, was not to define or limit the powers of any class of judicial officers, but merely to provide for the mode of appointment, this part of the Constitution might, perhaps, have borne the construction that the Mayor and Aldermen, to whom such judicial powers pertained, should thereafter be appointed by the Governor and Senate, in conformity with the directions contained in that section, had not other sections of the Constitution provided for the appointment of the two classes of judicial officers in a different way. It will be seen, however, by referring to the tenth section of the fourth article of the Constitution, and to the fifteenth section of the same article, that the framers of that instrument intended to provide for the appointment of these two classes of judicial officers in a different manner than by the Governor and Senate. The *tenth* section directs the Mayor to be appointed by the Common Council of the city ; and the *fifteenth* section is equally explicit, that "all officers heretofore elective by the people, shall continue to be elective."

It was admitted upon the argument, that the elective constitutional Judges of this Court, necessarily formed an exception to the rule that all judicial officers were to be appointed by the Governor and Senate. But the counsel for the prosecution put that exception upon the ground that the Constitution had, in terms, conferred judicial powers upon the Lieutenant Governor and the Senators, although they were elective

officers. I apprehend, however, that the section of the Constitution which provides for the appointment of all judicial officers by the Governor and Senate, not only excepts or excludes the thirty-three elective Judges of this Court, but that it also excepts from its operation, every other judicial officer whose election or appointment is otherwise provided for by that Constitution; and that this provision was not intended to strip every officer in the State who was not appointed by the Governor and Senate, of all the judicial power which he had previously possessed and exercised *by virtue of his office*. Any other construction would render some of the provisions of the Constitution entirely nugatory. For instance: the Special Justices, and the Assistant Justices in the City of New York, had no other powers or duties conferred upon them by law, at the time of the adoption of the Constitution, but such as were strictly judicial. They are, however, required by the Constitution, to be appointed by the Common Council of the city, and there is no constitutional provision, conferring upon those officers any powers or duties whatever. If, therefore, the section of the Constitution so often alluded to, should be construed to strip officers, who are not appointed by the Governor and Senate, of all the judicial powers they had previously possessed, and to deprive the Legislature of the right to confer upon them any such powers for the future, these Special Justices and Assistant Justices, whose appointment is expressly provided for by the *fourteenth* section of the fourth article, would be left without jurisdiction or power, of any kind. Surely no one will contend for a construction of the clause of the Constitution in question, which must necessarily lead to such an absurdity in reference to the judicial powers of the officers specified in the fourteenth section. And yet I have not been able to discover any good reasons for supposing that the framers of the Constitution intended to leave the pre-existing judicial powers of those officers untouched by the operation of the seventh section: which reasons do not apply with equal force to the

pre-existing judicial powers of the Mayors and Aldermen of cities, whose appointments and elections, are also particularly provided for, in the tenth and fifteenth sections of the same article of the Constitution.

It is not alleged in this case, that the Legislature has attempted to confer any new judicial powers upon the Mayor and Aldermen of New York, which these officers did not actually and rightfully possess at the time of the adoption of the new Constitution; or that the defendants have been guilty of obtruding themselves into any new judicial offices, or of exercising new judicial powers, which their predecessors in the offices of Mayor and Aldermen of the City of New York, were not legally authorized to hold and exercise previous to that time. Indeed, such judicial powers as were conferred upon the Mayor and Aldermen of New York by their Charters, and confirmed by subsequent statutes, and which are now exercised by the same class of officers in other cities of the State, are not judicial powers of modern creation. Even in the City of New York, the principal rights of whose officers are now, for the first time, called in question by this *quo warranto*, the Mayor and Aldermen have exercised very extensive judicial powers of the same character, for more than a century and a half. And in that country to which we are indebted for most of our legal institutions, and from the representative of whose Sovereign the Charter of the City itself was originally obtained, similar judicial powers, which have been conferred upon, and exercised by, the Mayor and Aldermen of Cities, are traceable back at least to the commencement of the time of legal memory, or the beginning of the reign of Richard the First. For in 1189, the same year that he ascended the throne of England, that monarch took from the Port-reeve of London all the judicial and other powers which that officer had previously possessed, as the Head of that City and County Corporate, and committed them to two City Prefects, under the Norman title of Bayliffs; and he shortly afterwards commit-

ted the same powers to a new officer, under his present title of Mayor. *Ealdorman*, or Alderman, was also the title of a judicial officer of the County Courts, as well as of the Borough and City Courts, under the Anglo-Saxon Dynasty. This may be seen by referring to the apograph, or transcript of a Saxon record of a judicial proceeding in a shire-gemot at Aylston, in Hertfordshire, in the time of Canute the Great: the substance of which record is stated by Turner, in the seventh chapter of his *History of the Laws of the Anglo-Saxons*. (Turner's *Ang.-Sax.*, vol. 2, p. 527.) And by referring to Hughson's *Privileges of the City of London*, it will be seen that all, or nearly all, of the judicial powers conferred by the statutes of this State upon the Mayors and Aldermen of our cities, as Justices of Oyer and Terminer, Judges of Mayors' Courts, and other Courts of Record, and as Justices of the Peace, are substantially the same powers as those which had been conferred upon the Mayor and Aldermen of London previous to the Revolution, as elective magistrates of that city and county corporate.

The Charter of New York, granted by Governor Dongan, in 1686, did not embrace the whole County of New York, as organized by the Acts of 1683, and 1691. It only covered Manhattan Island, and did not include the several small islands, and the adjacent waters, which also formed a part of the county. The grant of judicial power, in that Charter, was, of course, less extensive than it was in the subsequent grant of 1730. It is possible, therefore, that a County Court may originally have been established in that county, under the ordinance of the 15th of May, 1699. But if any such Court ever existed, it was necessarily abolished by the subsequent Charter, in the fourth year of the reign of George the Second, the limits of which Charter were co-extensive with those of the county. For more than one hundred years, then, previous to the adoption of the new Constitution, New York had, like London, been a county corporate as well as a city; having a separate local judiciary and magistracy,

most of whom were elective, and holding their offices by a different tenure from that of the judicial officers of other counties. This last Charter, in addition to the former judicial powers of the local magistracy, contained also an express grant of the privilege, that the Mayor, Recorder and Aldermen for the time being, should forever thereafter be Justices of Oyer and Terminer and Jail Delivery for that City and County, and should be named in every commission thereof. And the provisions of these several grants of judicial powers had been strictly adhered to, down to the time of the adoption of the Constitution of 1777. That Constitution, like the present, contained a provision that all officers theretofore eligible by the people, should continue to be so eligible, in the manner which might be directed by the Legislature. The Aldermen of New York, and of other cities in the State, under that provision of the Constitution, continued to be elective judicial officers, from that time to the adoption of the Constitution of 1821: and all their judicial rights and powers were continued, in the three several revisions of the laws which took place previous to that period; though such powers were from time to time somewhat extended by statute. But the Mayors and Recorders of Cities, who had been appointed by the Colonial Governor and his Council, prior to the Revolution, were subsequently appointed by the Governor, with the consent of the Council of Appointment, under the general clause of the Constitution to that effect. The Act of February, 1821, which was passed upon the application of the Common Council of New York, changing the name of the Mayor's Court of that City to that of "the Court of Common Pleas for the City and County of New York; and providing for the appointment of an additional judicial officer, did not change the nature and character of the other judicial officers who were associated with him as Judges of that Court. But they were still authorized to hold the Court in his absence, or with him when he was present, as they had before that time been authorized to do,

in reference to the same Court under a different name. The Aldermen under that Act continued to be, and were, at the time of the adoption of the new Constitution, elective judicial officers of that Court, and of the several other Courts of the City and County Corporate of New York. And I have no doubt that the continuance of their offices as such, was intended to be provided for under the clause of the Constitution which declared that all officers theretofore elective by the people, should continue to be so elected. There is also as little doubt that the same clause of the Constitution applies to that class of officers generally; so as to protect the Aldermen of other Cities of the State which have since been incorporated, in the exercise of judicial duties, conferred upon them by statute, similar to those which were exercised by the same class of elective officers, at the time of the adoption of the Constitution of 1777 and of 1821.

Again, if the meaning of the several clauses of the Constitution which are under consideration in this case were doubtful, the contemporaneous exposition which was given to them by the Legislature, would be entitled to great weight in fixing their construction. See *Stuart v. Laird*, 1 Cranch, 309. In the Judiciary Act of 1823, passed at the first session of the Legislature, after this part of the Constitution went into effect, the Mayors and Aldermen, not only of New York, but of every other city in the State, were associated with the Circuit Judges, and made Judges of Oyer and Terminer of the several Counties in which such cities were located. (Laws of 1823, p. 211, § 9.) Even the Aldermen of the City of Schenectady were included in that provision, though I believe they had never before been Judges of Oyer and Terminer. And this legislative construction was followed by the Revisers, and by the Legislatures of 1827 and 1828, by whom the revision was made, not only in the organization of the Courts of Oyer and Terminer, and Common Pleas and General Sessions in New York, but also in reference to the Oyer and Terminer, and Courts of Sessions and

Mayors' Courts in other cities; and by conferring various other judicial powers on Mayors and Aldermen who were not appointed by the Governor and Senate. Indeed, scarcely a session of the Legislature has been held since that time, at which some Act has not been passed which was inconsistent with the construction of the Constitution now insisted upon by the counsel of the plaintiffs in error. And at the very last session of the Legislature, even after this information had been filed by the Attorney General, a law was passed, giving to the Mayor and any two Aldermen of one of our cities, in the absence of the Recorder, power to hold a Criminal Court for the trial of all offences cognizable in a Court of General Sessions of the Peace. See Laws of 1840, p. 199, § 9.

The section of the Constitution fixing the term of office of Judges of the County Courts at five years, must necessarily be restricted to those officers who are appointed directly to the office of a Judge of the County Courts; and it cannot properly be extended to that class of officers who are *ex officio* Judges of the Court of Common Pleas or General Sessions of the Peace, in consequence of their election or appointment to an office embracing other duties, under the provisions of the Constitution.

It is not necessary to consider the question here, whether the Legislature can assign to any new officer, *ex officio*, the discharge of the duties of a Judge of a County Court, as was done by the Act of April, 1818, in the case of the Mayor of Schenectady. Here no new *ex officio* power or duty has been conferred upon the Mayor or Aldermen of New York, as Judges of either of the Courts in that city, since the adoption of the new constitution, which they did not hold or possess as such officers previous to that time.

In the view I have taken of the questions presented for our consideration in this case, I cannot discover that these defendants have usurped any office, or attempted to exercise any official power or duty, which did not legally and

constitutionally belong or appertain to them, by virtue of their election to the Offices of Mayor and Aldermen of New York: and I did not suppose there could possibly be two opinions, among the law members of this Court, upon the question presented by this writ of error, until I found the contrary to be the case upon the argument here. Being myself perfectly satisfied that the statute of the State, declaring the Mayor and Aldermen of New York to be Judges of the County Courts of that City and County, were not passed by the Legislature in violation of the Constitution, I shall vote to affirm the judgment of the Supreme Court.

[Copy opinion.]

JOHN L. WENDELL,
State Reporter.

IN THE COURT FOR THE CORRECTION OF ERRORS.

The People of the State of New York, Plffs in Error, }
vs. }
Isaac L. Varian and 17 others, Defendants in Error. }

BY SENATOR HULL.

It appears from the record which has been brought before this court for review, that the defendants in error, who were also defendants in the Court below, were charged with having severally intruded into, and usurped the office of Judge of the County Court, in and for the City and County of New York, without legal authority; and that they were called upon by an information in the nature of a *quo warranto* filed by the Attorney General, on behalf of the people, to show by what warrant or authority they claimed to have, use and enjoy, the office, rights, liberties, privileges and franchises, appertaining to the office of Judge of the said County Court. The defendants, in their plea, alleged in substance, that they had before the filing of the information, been duly elected, and were, at that time, the Mayor and Aldermen of the City of New York; and that in virtue of their election to those offices, and under the authority of the Charter of the City of New York, and various acts of the Legislature of the Colony, and subsequently of the State of New York, they became Judges of the Courts of Common Pleas, and General Sessions of the Peace of the City and County of New York, and that by virtue of the premises, they became, and were, Judges of the County Courts of the City and County of New York. The Attorney General demurs to this plea, thereby admitting the truth of the facts which it contains, but contending that the Acts of the Legislature, under which the defendants claim their right, as Judges of the County Courts, are unconstitutional; and the defendants join in demurrer. The

Supreme Court have given judgment for the defendants in error, thereby sustaining their claim: and their judgment is now before this Court for review.

The only question in this cause is, whether in virtue of their offices as Mayor and Aldermen, the defendants in error are legally Judges of the County Court for the City and County of New York. In presenting my views upon this question, I do not intend, nor, if I were able, do I deem it necessary, to follow the learned Counsel who argued the cause through the various illustrations and arguments which they have brought to their aid. The case seems to me to turn upon a few plain principles, upon which I feel it to be my duty to state briefly, the reasons which have brought me to the conclusion at which I have arrived. I do this, because upon a great Constitutional question like the present, I desire to stand responsible for no other opinions than such as have produced a deliberate conviction in my own mind, as to the correct decision of the cause.

The seventh section of the fourth article of the new Constitution of this State, provides that the Governor shall nominate by message in writing, and with the consent of the Senate, shall appoint all judicial officers, except Justices of the Peace, for whose appointment provision is made by an amendment subsequently adopted, in due form, making them eligible by the people. This amendment, it is conceded, applies only to justices of the peace in all the Counties except the City and County of New York, who are the only elective judicial officers contemplated by the Constitution, if we except the Lieutenant Governor and Senators, who, by another provision of the Constitution, (Art. 5, sec. 1.) are constituted judges of the Court for the trial of impeachments and the correction of errors. Under this provision, then, standing alone, it seems very plain that judicial officers, claiming to hold by any other tenure than an appointment by the Governor and Senate, do so in violation of the express language of the Constitution, as well as of the spirit of that instrument, which,

in making out the three great departments of government, contemplated that the independence of the judiciary should be secured by being removed from the direct operation and fluctuation of the popular will. If the case stopped here, it would not for a moment be contended that the defendants, who, it is admitted, claim to be County Judges only in virtue of their election by the people of the City of New York, to the offices of Mayor and Aldermen, could legally assert such a claim. It is contended, however, that in virtue of their offices as Mayor and Aldermen, and notwithstanding the provision of the Constitution above cited, they are entitled to act as Judges of the County Courts for the City and County of New York, and that this right is placed upon the ground, among others, that the Mayor and Aldermen of the City of New York, were, for more than a century previous to the adoption of the new Constitution, by virtue of the Charter of the city, and the laws of the Colony, and subsequently of the State, Judges of the Courts in question; and that the Constitution was not intended to, and did not abrogate any of the powers which they thus exercised; and further, that it does not limit the exercise of judicial powers to officers appointed by the Governor and Senate, but merely provides for the appointment of a particular class of public officers, by their name of office.

As it respects the first branch of this proposition, that those officers were, for more than a century previous to the adoption of the new Constitution, by virtue of the Charter of the City and the laws of the colony and State of New York, Judges of the County Courts, it is undoubtedly true, that the ancient Charter of the City, and the subsequent legislation of the Colony, and State of New York, confer and continue the judicial powers now claimed for them. But in reference to the inviolability of the Charter grant of these powers, to which reference was had upon the argument, and upon which some stress was laid, as respects the constitutional guarantee of their continuance, it may be well to observe, that the legis-

lation on the subject, previous, as well as subsequent to the new Constitution, has entirely superseded the judicial powers conferred upon the Mayor and Aldermen, by the Charter; and that after a full consideration of the subject by Chancellor Kent, in his Notes upon the Charter, (pages 161, 162, 163 and 164,) in which he reviews the Charter provision, and the subsequent statutes, he concludes by observing "upon these statute foundations, and not on this section of the Charter, now rest all the powers originally conferred by the section under review." This, if it were necessary, furnishes a conclusive answer to the position assumed on the part of the defendants in error, that the provision of the Constitution (Art. 7, sec. 14) that "nothing therein contained shall annul any Charters to bodies politic and corporate" made by authority of the King, or his predecessors, before the 14th of October, 1777, is applicable here, because it proves that at the time of the adoption of the new Constitution, the provisions of the Charter in reference to the subject under consideration were wholly inoperative. But this answer is not necessary. The powers contained in the Charter, so far as any argument is to be deduced from that instrument, in favor of the defendants in error, were a mere grant of political power, which, in a case referred to in *Kent's Notes on the Charter*, p. 149, was held to constitute no vested right, but to be subject to legislative control. The case is thus stated:—"The Act of April 14, 1832, chap. 141, regulates the measuring of grain in this city, and directed the appointment of a Measurer General, and between ten and twenty measurers of grain. The Act so far, does away the corporate power in the Charter, and declares that no person, except those appointed under the Act, shall measure any grain in New York, for hire or reward. A question arose, and it was decided in the Superior Court of the City, in the case of *Satterlee vs. Sutton*, whether the statute provision was sufficient to destroy the Charter power on that subject, and to supersede a measurer of grain appointed under the

Corporation. Chief Justice Jones, who delivered the opinion of the Court, held that the grant to the Corporation to appoint measurers, was a grant of political power, coupled with no interest, save the fees as a compensation for measuring, and that the grant in question was not to be considered in the light of property, or intended as a source of revenue, and that the legislative Act was valid, and the grant in the Charter, so far controlled." And in a later case decided in the Supreme Court of this State, *The People vs. Morris*, 13 Wendell 325, the same principle was sanctioned, in a case where a general Act of the Legislature forbidding the licensing of grocers to sell strong or spirituous liquors to be drank in their houses, and declaring the violation of such Act a misdemeanor, was held to apply to incorporated cities and villages whose Charter it contravened, though granted previous to the passage of the law in question, upon the ground that political powers conferred upon a Corporation for the local government of a place, are not vested rights as against the State, and may be abrogated by the Legislature, as well by a general law affecting the whole State, as by a Special Act, altering the powers of the Corporation.

It seems to me that the true construction of this provision of the Constitution, is, that it was intended to protect only such rights conferred by the Charter as could be properly regarded as *vested*; such as rights of property, and not to establish or perpetuate beyond the reach of legislative control, rights of a mere political character. "It is," says Mr. Justice Nelson, in *The People vs. Morris*, 13 Wendell 331, "an unsound and even absurd proposition, that political power conferred by the Legislature can become a vested right as against the government, in any individual, or body of men. It is repugnant to the genius of our institutions, and the spirit and meaning of our Constitution; for by that fundamental law, all political rights not there defined, and taken out of the exercise of legislative discretion, were intended to be left subject to its regulation." Surely, if this reasoning

be correct, it cannot admit of question, that a reservation of chartered privileges by the Constitution, must be so construed as to subject to its general operation, and place under the control of the representatives of the whole people, subject to its provisions, all questions of mere political right, though they be matters of mere local regulation.

But it has been said that the provision of the Constitution, (Art. 4, sec. 15,) which declares that "all officers heretofore elective by the people shall continue to be elected," preserves to these officers all the powers with which they were invested previously to the Constitution. I admit, that if the Mayor and Aldermen were, previously to this provision, elective by the people, they must still continue so. But the mere fact that those officers are still to continue elective, cannot be considered as conferring upon or confirming to them, the judicial powers which they formerly exercised against the express provision of the Constitution which confers the appointment of judicial officers upon the Governor and Senate. Those powers they formerly exercised, not as Mayor or Aldermen, but under statutory conferment, consistent with the Constitution which then existed. All the powers which may be conferred upon them, under the new Constitution, must necessarily be subject to its other restrictions, one of which is, that judicial officers are to be appointed in the manner prescribed by its express provisions. Nor is there, in my judgment, any soundness in the distinction, that though *judicial officers* can be created only by an appointment by the Governor and Senate, yet *judicial powers* can be conferred upon other than judicial officers. This argument, if carried out, would lead to this result: that though the Legislature cannot create judicial officers by name, who are to be appointed otherwise than by the Governor and Senate, yet they may delegate the right to exercise those powers to elective officers. As I construe the Constitution, the source of all judicial power, unless where an express exception has been made, which is not pretended in the present case, is an appointment

by the Governor and Senate : and I hold that the conferment of judicial powers upon all not thus appointed, is, in effect, the creation of a judicial office, contrary to the Constitution. The framers of that instrument, in distributing the various departments of government, judged wisely, in making the judiciary permanent and independent of the sudden fluctuations of popular will ; and the whole spirit of the provision they have incorporated in it for this purpose, might be evaded, if the distinction contended for, between the *creation of judicial officers*, and the *conferment of judicial powers*, could be sustained. I have carefully reflected upon this case, and am entirely satisfied that the provision of the Constitution giving the appointment of judicial officers exclusively to the Governor and Senate, controls it : that there is nothing in any portion of that instrument, which either expressly or impliedly excepts the Mayor and Aldermen of the City of New York, so far as judicial powers are concerned, from its general operation ; and that, as their claim to sit as Judges of the County Court, is founded solely upon their election as Mayor and Aldermen, the Supreme Court should have rendered judgment against the defendants in error.

I am, therefore, of opinion that the judgment of the Supreme Court should be reversed.

(Copy opinion.)

JOHN L. WENDELL,
State Reporter.

IN THE COURT FOR THE CORRECTION OF ERRORS.

THE PEOPLE,
vs.
ISAAC L. VARIAN AND OTHERS. }

OPINION OF SENATOR DIXON.

The defendants *claim* to be Judges of the County Courts, in and for the City and County of New York, by virtue of an election to the offices of Mayor and Aldermen of said City, at an annual charter election held for that purpose, and by virtue of various legislative enactments declaring the Mayor and Aldermen of said City to be *ex officio* Judges of said Courts. 2 R. S., 204, 215, 216, 223. It is conceded that the defendants were regularly elected to the offices of Mayor and Aldermen, and legally qualified and installed as such. It is further admitted, that as far as the Legislature was competent to that end, the statutes above referred to have clothed the defendants with all the judicial powers which they claim. The Attorney General, however, maintains that these statutory provisions must yield to the paramount authority of the Constitution, and that they are not such Judges, inasmuch as they are not appointed by the Governor, and do not hold their offices for the constitutional term. The seventh section of the fourth article of the Constitution provides that "the Governor shall nominate, by message in writing, and with the consent of the Senate shall appoint, all judicial officers, except Justices of the Peace." The sixth section of the fifth article provides that "*Judges of the County Courts* shall hold their offices for five years," subject to removal, &c. Can the defendants rightfully hold the office of *Judges of the County Courts*, having been elected by the people, and not appointed by the Governor; and holding their offices

for one year only, and not for five?—is the question presented by this case.

Since they claim to hold for a less time than the constitutional term, and as “the greater includes the less,” it might, at first blush, seem unnecessary to press this point; but, without stopping to inquire whether it was not an object with the framers of the Constitution to give more efficiency and stability to the administration of justice than would be likely to result from a bench filled with new Judges once a year, a moment's reflection shows us that the necessary operation of an annual appointment is to eject those from office whose constitutional term of five years had not expired. The defendants point us to the annual election, as the source of their authority to act as Judges; and they cannot, at the same time, require us to presume that their immediate predecessors, who derived office from the same source, had held their offices for five years. Granting, then, for this branch of the argument, that Judges of the County Courts may be elected by the people, yet the defendants are usurpers, inasmuch as they assume the functions of an office which belongs to their predecessors, who still remain in full power, unless there be something in the case which exempts them from this constitutional provision which requires Judges of the County Courts *to hold their offices for five years*.

The defendants think that they find such exemption in usage, ancient Charters, and in Colonial and State Laws. I will not here make special reference to these several sources of power. I have already said, that so far as legislative authority goes, it fully sustains the defendants. This remark is, however, subject to an exception, which I will notice hereafter.

I believe it is not seriously insisted that the people, in primary assembly convened, for the purpose of settling the landmarks of their government, and establishing for themselves fundamental rules for future action, are not supreme in power, bounded only by the law of God and the laws of na-

tions; or in lieu of the latter, in our case, the Constitution of the United States. This proposition is too clearly true to require time to establish: I shall therefore take it for granted, that every right, privilege, custom, franchise and immunity, held and enjoyed by the inhabitants of the City of New York, from whatever source derived, as well as those of the people in other parts of the State, by the adoption of the Constitution of 1822, so far as the same were repugnant to, or not in accordance with it, were abrogated, unless expressly reserved. There is, in the fourteenth section of the seventh article, a reservation of certain *grants* or *Charters* to bodies politic and corporate. But this exception, especially when read in connection with the preceding section, obviously operates only upon private grants, and such matters as were not under the control of legislative authority, and has no bearing upon the distribution of political power. Any other construction would bring this section into irreconcilable conflict with many other parts of the same instrument; among which I will cite only the eighth, ninth, tenth, eleventh, thirteenth and fourteenth sections of the fourth article, making material alterations in the appointment and tenure of office, in the most important officers in the City of New York. The defendants' claims can therefore rest upon nothing antecedent to the Constitution.

Who, then, are "*Judges of the County Courts*," within the meaning of the sixth section above mentioned? If this question were now, for the first time, propounded in this Court, I am persuaded it would meet a prompt and uniform answer from every member, that they are no other than the *Judges of the Courts of Common Pleas* in the several counties in this State. If, as the Supreme Court think, in *the People vs. Albany C. P.*, 19 Wendell, 27, the denomination "*County Courts*" embraces the Courts of *General Sessions of the Peace*, as well as *Courts of Common Pleas*; and if, as the same Court think in the case under review, "*Judges of the County Courts*," means all those per-

sons who are authorized by law to sit in either of these Courts in the several counties of this State, why have not Justices of the Peace been held competent to discharge the powers and duties devolved upon that class of officers? "*Judges of the County Courts*" are jointly authorized to hear and determine complaints against physicians—1 R. S., 449; to act in the appointment and removal of County Treasurers, and in some other matters—3 R. S., 376; and they are severally authorized to act as Commissioners of Deeds—1 R. S., 92; to take affidavits to be read in Courts of Record—2 R. S., 213; to act on complaint of forcible entry and detainer—Ib., 418; in a summary manner to remove tenantry in certain cases—Ib., 422; yet who ever surmised that Justices of the Peace were competent to any of these powers? But if the construction of the Supreme Court is to prevail, they are equally competent to these duties as the Judges of the Courts of Common Pleas.

It is true that every county in the State, has within it a variety of Courts, which in some sense may be denominated County Courts. Such are the Circuit Courts held by a Justice of the Supreme Court, or a Circuit Judge; Courts of Oyer and Terminer, held by the same, and two or more of the *County Judges*—2 R. S., 132; (who may be Justices of the Peace if the above construction is to prevail;) Courts of General Sessions of the Peace, held by the "*County Judges*," or any three of them; or in default of that number, the deficiency to be made up of one or more Justices of the Peace of the same county—2 R. S., 135; so that there be at least one Judge, and not more than five members upon the bench. If we are to apply the term *Judges of the County Courts* indifferently to the *Judges of the Court of Common Pleas* and to *Justices of the Peace*, this last provision would make most extraordinary reading; and I commend it to the particular attention of the defendants. All these Courts, besides the Court of Common Pleas, are required by law to be held statedly at the Court Houses in the several counties of this

State; and may, for that reason, be denominated County Courts. Beside these, every county has a variety of less considerable and more desultory Courts; as Justices' Courts, and Courts of Special Sessions, held by Justices of the Peace; whose jurisdiction, for most purposes, is co-extensive with the County; Surrogate's Courts, and Courts held by Sheriffs and Coroners. All these are, in some sense, County Courts. All these magistrates, however, have their appropriate names, and none of them are known in the law, or in common parlance, as County Judges, or "*Judges of the County Courts*," except those persons commissioned to hold the *Courts of Common Pleas*. This has been so ever since we had a State Government. In the Constitution of 1777, 24th sec. (1 R. S., 30,) it is provided that the "First Judge of the *County Court* of every County" hold his office during good behaviour, &c. The 25th section of the same instrument, provides that "the First Judge of the *County Courts* in the several counties shall not, at the same time, hold any other office, except," &c. The 28th section provides that "new commissions shall be issued to *Judges of the County Courts*, other than the First Judge, and to Justices of the Peace, once at least in every three years." The 7th section of the 4th article of the Constitution of 1822, has these words: "Every person appointed a Justice of the Peace shall hold his office for four years unless removed by the *County Court*, for causes particularly assigned by the *Judges of the said Court*." Here we cannot but observe that the Constitution uses the singular number, "*the County Court*," designating a particular Court in each County, as notoriously pre-eminent and bearing that name, and designating the magistrates who hold it as "*the Judges of the said Court*." To the same effect, in the quotation above made, the old Constitution speaks of "the First Judge of the *County Court* of every county." In the Act to regulate the practice of medicine, "the Judges of the *County Court*" are authorized to hear and determine charges against any

physician. 1 R. S., 453. So in the Act for the appointment of Commissioners of Deeds, "*the Judges of the County Court*" are required to determine by rule of Court, &c. 1 R. S., 92. All these passages were overlooked by the learned Judge who delivered the opinion of the Court in this case, when he says, "with two exceptions, (1 Vanschaach, 196, § 7, and Stat. 1821, 64, § 1,) I have not noticed any statute passed either before or since the Revolution, which speaks, even incidentally, of the '*County Courts*.'"

The 9th section of the 4th article of the Constitution of 1822, provides that District Attorneys shall be appointed, and may be removed, by *the County Courts*. I am aware that this clause of the Constitution has met with a construction at the hands of the Supreme Court. In *The People vs. Albany C. P.*, 19 Wendell, 27, the principal question mooted was whether *County Courts*, in this clause, embraced more than one, and what Court or Courts; and the result was, that it meant the Courts of Common Pleas and General Sessions. The learned Judge who gives the opinion in this case, p. 32, says: "The obscurity of the clause in question in this instrument, arises out of the fact that certain powers have been conferred upon the *County Courts*, not upon the *Judges* of the *County Courts*." A little farther on he says: "If the legislative construction of this section, (1 R. S., 108, § 15,) making *County Courts* equivalent to *Judges of the County Courts*, be the true interpretation, it would avoid all difficulty." "If thrown upon them," (the Judges,) "then all of them, the five Judges, must meet and consult, though a majority may make the appointment." What five Judges do the Court here mean? Why, beyond all doubt and cavil, the first Judge and his four Associates, who, ever since we have had a State Government, have been appointed in each county, except the City and County of New York, to hold the Courts of Common Pleas therein, and who have ever been, and still are, known indifferently and interchangeably, by the names *Judges of the Court of Common Pleas*,

County Judges, and *Judges of the County Courts*. This last denomination is probably the most common in legislative and popular use, and is the one adopted by the Constitution providing that they shall hold their offices for five years. If this reasoning had been applied to the case before us, there would have been an end to it. The whole matter would have been brought to an easy and safe conclusion. If *Judges of the County Courts* was a phrase so definite and satisfactory as "to avoid all difficulty," in that case why should so much doubt and difficulty rest upon it here? The only doubt in that case was what was meant by *County Court*; there was none as to who were *the Judges of the County Courts*. This is the doctrine maintained by the People in this cause, and all that is needed to entitle them to judgment: for conceding the correctness of the rule that the same word or phrase may be construed differently in different parts of the same instrument, according to the subject matter in hand, if *Judges of the County Courts*, as connected with the appointment and removal of District Attorneys, means *Judges of the Court of Common Pleas*, *a fortiori* shall the same designation mean the same thing when used abstractly, and merely for the purpose of declaring the tenure of office, because District Attorneys are officers of other Courts having criminal jurisdiction, and not of the Court of Common Pleas: and there is fitness and analogy in permitting Courts to appoint and remove their own officers. And while in the case alluded to, this was the prevailing consideration which led the Court to the conclusion that the General Sessions was embraced by the term, in that instance, it is not easy to see why the Court of Oyer and Terminer was not included also; yet I am not inclined to find fault with that decision. It is sufficient for our present purpose that it shows that at that time *Judges of the County Court* was a term of no equivocal import.

It is true that neither of the Constitutions adopted by this State attempted to organize County Courts, except so far as

to regulate the tenure of office and mode of appointment of their Judges. They found County Courts in full operation; and as they had heretofore been found useful, they evidently contemplated a necessity for them in all future time. The framers of both Constitutions contented themselves with providing Judges for these Courts, and trusted to the Legislature the discreet use of them. They knew that the Judiciary was one of the grand pillars upon which the great edifice they were engaged in erecting must depend for stability and usefulness. In view of the importance of a faithful and able administration of justice, while they made most officers elective by the people, they thought proper to hedge about the principal altars of justice, and defend them from the fluctuations incident to popular elections, and to give to them a degree of stability and permanency: and it is observable that the degree of permanency allotted to the Courts was in proportion to their dignity and importance. Thus, Chancellors, and Judges of the Supreme Court, were made to hold their offices to a period when it was supposed that the infirmities of age would disqualify them for their duties. The new Constitution settles the term of office for County Judges at five years, and for Justices of the Peace at four. The amendment making Justices elective, retains for them the term of four years. No constitutional provision in this State has ever placed a judicial officer of *any grade* on so sandy a foundation as an annual election.

It is supposed that because the Constitution did not organize the County Courts, by which I suppose is meant, omitting to declare their jurisdiction, number of Judges and terms, that it was competent for the Legislature to erect as many *County Courts* as it pleased, and with such jurisdiction and tenure of office as it should think proper; and that the "*Judges of the County Courts*," provided by the Constitution might or might not be employed in holding said Courts at the option of the Legislature. See opinion of the Supreme Court. As novel and extraordinary as this propo-

sition may seem, it is that upon which the Court repose, and without which, as it appears to me, this judgment cannot stand. It therefore deserves particular attention. Let us examine it a little in detail.

Suppose the Legislature of 1822, to whom the people handed over their new Constitution to be carried into effect, was dissatisfied with its provisions in relation to County Courts, and had undertaken to improve upon the plan, by putting these Courts into the hands of Judges appointed by joint ballot of the two houses, and to hold during pleasure. Or suppose that after organizing the Courts of Common Pleas, by declaring their jurisdiction, terms, &c., the Legislature had made a law declaring the Supervisors in each County to be Judges of the County Courts, and requiring them to hold the Courts of Common Pleas, in conjunction with, or exclusive of, the "*Judges of the County Courts*," provided by the Constitution; and that the Commissioners of Highways should hold the General Sessions of the Peace. If such laws would be valid, then indeed is the Constitution a shadow without substance—words without meaning—a man of straw upon the watch tower of freedom; and all our confidence in it, as a bulwark against legislative encroachments or waywardness, is an idle dream. But how would such laws differ, in principle, from those which declare "*the Mayor and Aldermen of the City of New York to be Judges of the Court of Common Pleas in and for the City and County of New York*?" If there be a difference, it must be found in something which distinguishes the City from the other Counties in the State. I have already discussed this point summarily; but inasmuch as it is a controlling one in the case, perhaps it ought to be examined a little more minutely.

The Courts of the City of New York had their origin in royal grants from the British Crown, the last of which was given in 1730. From that time up to the year 1777, the period of the Revolution, these Courts were, at the instance

of the Corporation, the subjects of frequent modification by the Colonial Legislature. In the year last mentioned, the first State Constitution was formed. In this, the City Courts were recognized and sanctioned, without any material alterations. From that time up to the year 1822, these Courts again became the subject of frequent State legislation, until, in the language of Chancellor Kent, by a series of affirmative, cumulative, and other statutory regulations the original organization and character of the Courts became entirely changed, although they still remained Municipal Courts, and retained their original names. In the year 1821 was passed the Act which provides (Sess. Laws, 1821, p. 64,) "that the Court of Common Pleas called the Mayor's Court of the said city, shall be, from and after the first day of April next, the *Court of Common Pleas*, or *County Court* of the City and County of New York," &c. This, by the by, being one of several instances in which we have the sanction of the Legislature to the proposition that *Common Pleas* and *County Courts* are synonymous, and used indifferently for each other. The preamble to this Act shows that it was passed on the petition of the Mayor, Aldermen and Commonalty: and this Act for the first time established County Courts, by name, in the City of New York; and the new Courts of Common Pleas and General Sessions of the Peace, by a new organization as well as by a new name, effectually superseded the old; and all former grants and legislation on the subject were substantially merged.

There are two reasons why the Corporation should be concluded by these acts of legislation. First. Because they were passed at the instance of the Corporation, which makes them binding, in the nature of contracts. Second. Because they are the distribution of judicial and other political powers, which are not the subjects of vested rights, or individual or corporate property, except temporarily, and always remain at the disposal of the State. When, therefore, the new Constitution was set in motion, it met with no peculiar obstacles in

the City of New York. It did not find its way blocked up by vested rights and royal Charters. It there and every where found County Courts in operation under the old Constitution and subsequent statutes. It virtually said to the Legislature, go on and enjoy your subordinate Courts as heretofore, or re-model them at pleasure, with this restriction only; whether you continue the old or form new, their course of proceeding must be according to the common law, and they must be held by magistrates, (other than Justices of the Peace) appointed by the Governor and Senate; and whatever *County Courts* you establish, must be held by Judges whose term of office is five years. The City and County of New York has thus far held off, claiming the privilege of electing a portion of her County Judges every year. Whether the Constitution, or this custom is to prevail, depends upon the result of this suit.

It is said that the doctrine maintained by this information, was counter to the construction given to the Constitution of 1777, and the whole course of legislation under it; and the statutes, authorizing the Assistant Justices to hold seats upon the bench of Common Pleas, and Justices of the Peace to sit in Courts of General Sessions of the Peace, are cited to prove this proposition. See Op. of Sup. Court. Abuses and misconstructions in fundamental law are not to prevail, when discovered, merely because they are ancient. But what were the objections to those laws? The old Constitution provided that *Judges of the County Courts* and Justices of the Peace should be appointed by the Council, and with the exception of the first Judge, that they should receive new commissions, once at least every three years. These are the only constitutional provisions bearing on the point. The mode of appointment and tenure of office being the same in the Judges and Justices; and Assistant Justices being, what their name imports, a certain number of Justices of the Peace, selected in each County, to aid the Courts of Common Pleas; their commissions, issued by the Governor, in terms, authorized

them to sit as Judges in the Courts of Common Pleas ; and the commissions of Justices, in like manner, expressly made them Judges of the Court of General Sessions. See forms of commissions in Secretary's office. These Justices and Assistant Justices, therefore, had every constitutional qualification of *Judges* of the respective Courts in which they sat. Where, then, is the analogy between the two cases ? There is none, unless it be found in names. Now the objection to the defendants acting as Judges of the County Courts, is not that they are called *Mayor* and *Aldermen*. If, like the Justices and Assistant Justices, under the old Constitution, they were commissioned as Judges, as the present Constitution requires, and held their offices for five years, there could be no objection to their acting as such, although they continued to be called *Mayor* and *Aldermen*. Till they can show such commissions the analogy fails, and with it, in my opinion, their title to the offices. I think the laws in question are unconstitutional and void, inasmuch as they attempt to throw the offices of *Judges of the County Courts* upon a class of officers who are elected annually, and cannot, therefore, hold for the constitutional term.

Having arrived at this conclusion, it is unnecessary for me to pursue the other branch of the argument at great length. I cannot forbear, however, a slight notice of this also.

The inquiry is, whether the defendants are judicial officers ? If they *are*, they hold in violation of the seventh section, inasmuch as they are not appointed by the Governor, but elected by the people. The Supreme Court say that they are not *judicial* but *legislative* and *executive* officers, with "certain *judicial powers cast upon them*." The word *Mayor*, anciently *Meyr* comes from the British verb *Miret*, —*custodize*—to guard or protect ; or from the old English word *Maier*—*potestas power or authority*. See Tomlin and Jacob's Law Dictionaries. The word *Alderman* is synonymous with *Seignior*—*Ib*. These derivations tend to show that the officers of Mayor and Alderman, were origi-

nally, not merely in name, but in fact, *executive* and *legislative*, and not *judicial*. They were such as the necessities of a growing town first required. I think the histories of the cities of this State, will generally, if not uniformly, show, that their Mayors and Aldermen were not originally clothed with judicial powers. It is at a more advanced period of their population and business, that the ordinary tribunals of justice are found inadequate to the discharge of all their duties. The excess must now be thrown somewhere ; and in casting about for proper repositories, it has been thought meet in many instances, New York being one, to cast it upon the Mayor and Aldermen, as a body of good men, already called together, although for different purposes, and to erect them into a Court of Justice. They are not selected because they are any better qualified than so many other men of equal intelligence and probity ; nor because they are any more easily erected into a Court. Has the circumstance of their having been elected Mayor and Aldermen, already half moulded them into Judges, so that apprentices can finish the job, when the entire work would have required a master's hand ? Or, without figure, can the Legislature commission a body of men to hold a Court of Common Pleas, in and for the City and County of New York, because those men have happened to be elected Mayor and Aldermen of that city, when without such election, such commission must have come from the Governor and Senate ? It cannot be supposed that laws, having a prospective operation like those under consideration, professing to make Judges in advance of all who should thereafter be elected Mayor or Aldermen, are more unexceptionable than a like one adapted to a particular case.

When it is conceded that the Legislature could not now, for the first time, confer judicial powers upon an officer not appointed by the Governor and Senate, the whole argument is yielded, for the Constitution no more sanctioned the tenure by which the Mayor and Aldermen held their judicial powers at the time of its creation, than it did that by which the

first Judge in each County held his. If Aldermen can hold on because they are not named in the Constitution, so for a like reason may *First Judges* hold on to the age of sixty years.

Again: it is said that if the *Mayor and Aldermen* are *judicial officers* within the meaning of the seventh section, so are the Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Surveyor General, Senators, Sheriffs, Coroners, County Clerks, Commissioners of Deeds and of Highways, Canal Commissioners, Fence Viewers, and members of Courts Martial. In common parlance, none of these are *judicial officers*. Most of them are especially provided for in the Constitution; and no one of the residue is ever in common or technical language, called judicial. The temporary duties of a member of a Court Martial no more constitute a person a judicial officer, than do those of an arbitrator. But that a Judge of the Court of Common Pleas is not a judicial officer, if at the same time he happen to hold another office, as Supervisor, Town Clerk, or Alderman, is, to me, paradoxical.

The protection which the defendants seek from the fifteenth section of the fourth Article, declaring that all officers, therefore, elected by the people, should continue to be so, is illusory. Aldermen had been elected by the people; but *Judges of County Courts* were by the old Constitution appointed by the Council. This argument stands upon the same groundless assumption as the last; viz. *that judicial powers were inherent in the offices of Mayor and Aldermen*. We have seen the converse of this to be true: and so the practice under the old Charters and Colonial Laws admitted. In those days, Mayors and Aldermen did not claim a right to sit as Judges in Courts, by virtue of their appointment and election to the office of Mayor and Aldermen *alone*. If they did not receive separate commissions (as to which I have not examined), they were sworn as to each office distinctly, faithfully to perform the duties of Mayor or Alderman, and also

faithfully to perform the duties of a Justice of the Peace. Kent's Notes, 79, 80. Now it appears by the facts of the case, that the defendants were sworn as Mayor and Aldermen, *but not as Judges or Justices*; yet they admit that they have acted, and claim the right to act as *Judges of the Court of Common Pleas, and of the General Sessions of the Peace, in and for the City and County of New York*. They justify, not as *Mayor and Aldermen with certain judicial powers cast upon them*, but as "*Judges of the Courts*," not only in fact, but in name. *Judges of County Courts* are required to make and file their oaths of office with the Clerks of the Counties where they respectively reside—1 R. S. 110.—and if they enter upon the duties of their offices without first having taken such oaths, they are guilty of misdemeanor; and their offices are forfeited. 1 R. S. 111. I think the defendants are liable under this law, granting their appointments to office to have been valid.

In every aspect in which I can view this case, I consider the people entitled to judgment. I think the judgment of the Supreme Court should be reversed.

(Copy opinion.)

JOHN L. WENDELL,
State Reporter.

IN THE COURT FOR THE CORRECTION OF ERRORS.

THE PEOPLE,
vs.
ISAAC L. VARIAN, AND OTHERS. }

BY SENATOR EDWARDS.

It is evident that the Mayor and Aldermen of the City of New York were Judges of the County Courts of the City and County of New York, at the time of the adoption of the Constitution of 1821, and had been so a long time previous. This authority was conferred upon them by the Charters of the City, of 1686 and 1730, and the Acts of the Legislature of 1787, 1797 and 1821 ; and the important question before this Court, appears to be, whether the amended Constitution, adopted in 1822, has abrogated or taken from them, any of these powers.

It is contended on the part of the people, that the manner in which, and the term for which, they are elected, is not in conformity to the provisions of the Constitution, providing for the appointment of Judges of the County Court, or Courts of Common Pleas, (which are synonymous,) and therefore they cannot act in that capacity. The Attorney General relies principally upon the seventh section of the fourth article of the Constitution, which declares that "the Governor shall nominate, by message in writing, and with the consent of the Senate shall appoint *all judicial officers* except Justices of the Peace," &c. ; and upon the sixth section of the fifth article, which declares that "Judges of the County Courts, and Recorders of Cities, shall hold their office for five years, but may be removed by the Senate, on the recommendation of the Governor, for causes to be stated in such recommendation."

The question then, very naturally arises, whether the

Mayor and Aldermen, vested as they were with certain judicial powers, were such officers as the framers of the Constitution had in view, when they declared the manner in which *all judicial officers* should be appointed. I cannot believe, that under this general term, all *judicial officers*, they intended that every officer who should perform a judicial act, should be thus appointed. I am inclined to believe they intended to comprehend those who were appointed to judicial stations, and who, in common parlance, were termed judicial officers. They must be presumed to have known that the Mayor and Aldermen were then authorized to perform certain judicial acts, because this authority was given to them by Charter, and the public Acts of the Legislature. Knowing this fact, therefore, had they designed to supersede that authority by the seventh section of the fourth article of the Constitution, would they not have said so in express terms? Would they have left it to a doubtful inference? As well might it have been contended, under the old Constitution, that the offices of Mayor and Aldermen were municipal offices, and that no Acts of the Legislature could authorize them to act as Judges, because they were not appointed by the Council of appointment, and did not hold their offices during good behaviour. But the framers of the Constitution have not only not taken from them the power they then possessed, to perform certain judicial acts, in express terms, but it appears to me, they intended to confirm that power. In the thirteenth section of the seventh article of the Constitution, it is said that "all such Acts of the Legislature of this State, as are now in force, shall be, and continue the law of this state, subject to such alterations as the Legislature shall make concerning the same. But all such parts of the common law, and such of the said Acts or parts thereof, as are repugnant to this Constitution, are hereby abrogated." Now, unless the Acts conferring judicial powers upon the Mayor and Aldermen are repugnant to the Constitution, they are not void. It appears to me also, that the Act authorizing these officers to

perform certain judicial acts, does not constitute them judicial officers within the meaning and intent of the framers of the Constitution ; and therefore these acts are not repugnant to the Constitution, and consequently are not abrogated by it. These officers are, as they were before the adoption of the Constitution, elective officers, with certain judicial powers attached to their offices. By virtue of the authority given them, they had become *ex officio* Judges of the County Courts, for the City and County of New York ; and while legally vested with this authority, as a part of the duties of their offices, the Constitution comes in, and by the fifteenth section of the fourth article declares, that all officers heretofore elective by the people, shall continue to be elected. What were the offices of Mayor and Aldermen as theretofore elected by the people ? They were not only officers of the police, but were vested with the powers of Judges of the County Courts of the City and County of New York ; and this was a constituent part of the duty of their offices. Is it possible that the framers of the Constitution intended to reserve to the people the right to elect all such officers as theretofore were elective, and deprive such officers of a constituent part of the powers and duties of their offices ? Having left the powers of these offices undefined, the fair inference is, that they designed to leave the office what it had been, possessing the like powers, and subject in like manner, to legislative provisions. I cannot believe the framers of the Constitution intended to reserve to the people the right to elect these officers, and yet deprive them of one half of the power incident to them.

Again : the authority conferred upon these city officers to sit in these Courts as members of the same, was expressly given to them by the City Charter, and constituted one of the most important rights conferred upon the citizens of New York by that instrument, to wit : the right to elect certain officers, who might *ex officio* perform certain judicial acts : and by the fourteenth section of the seventh article of the

Constitution, these rights are reserved. In this section it is expressly declared, that nothing contained in the Constitution, shall annul any charters to bodies politic and corporate, made before the 14th day of October, 1775, or shall affect any such grants or charters since made by the State or persons acting under its authority. How, therefore, can we say these city officers cannot act judicially, as members of the Courts of Common Pleas *ex officio*, without taking away an important charter right, which the framers of the Constitution have declared shall not be affected? In my opinion, it is not possible to do so, without violating both the City Charter and the Constitution.

If these views are correct, it is unnecessary to examine the sixth section of the fifth article of the Constitution, limiting the term of judicial officers, as these officers are not embraced within its provisions. But the Attorney General supposes he is borne out in the construction he has given the Constitution, by the case of the *Commonwealth vs. Collins*, and Wats, 340, and also by the opinion of Judge Story, in an *ex parte* case in 1 Gallison's Rep. 341. The case of the *Commonwealth vs. Collins*, forms no precedent binding on this Court; nor is its analogy to the case under review, such as to entitle it even to the weight of authority. The commission under which Judge Collins claims to hold his office as presiding Judge, was granted subsequently to the adoption of the amended Constitution of the State of Pennsylvania, which provided for the appointment and duration of the office he held; but as it was not granted according to any of its provisions, it was held void. But not so in this case, if I am right in considering the term "all judicial officers," as not embracing that class of elective officers who had previously been vested with certain judicial powers for a limited time, *ex officio*; and also if I am right in the construction I have given to the saving clause of the Constitution. Nor does the opinion or rather *dictum*, as it may more properly be termed, of Judge Story in 'Gallison, sustain the doctrine

the Attorney General is forced to contend for, to maintain the ground he assumes. He says, "Although I am satisfied that the Legislature may, at will, give or take away the jurisdiction of the District or Circuit Courts, yet I entertain extreme doubts whether the Legislature can constitutionally impose upon a Judge of the Supreme Court of the United States the authority or duty to hold a District Court. There is a great difference in giving a new jurisdiction to a Court of which a Judge is a member, and appointing him *pro hac vice* to a new office; and I do not perceive any sound distinction between an appointment to a new office, and an appointment to perform the duties of another office, while it remains a separate and distinct office." Here it is not contended on the part of the Corporation, that the Mayor and Aldermen are appointed to a new office, or that they are appointed to perform the duties of another office, while it remains separate and distinct; but it is contended that the Mayor and Aldermen had this power before the adoption of the Constitution, and that it was an incident to their offices, as a part of the duties they were bound to perform; and the question is, whether the Constitution has taken away these powers, and thereby rendered that portion of the Charters of the City, and the several Acts of the Legislature regulating the jurisdiction of these officers, void; and also whether all the acts passed subsequently to the Constitution regulating their jurisdiction, are also void? When the opinion of Judge Story is applied to these points, instead of strengthening the position taken by the Attorney General, it will be found to militate against him, for he says expressly that he is well satisfied that the Legislature may, at will, give or take away the jurisdiction of the Circuit or District Courts; clearly conceding, that to regulate the jurisdiction of an officer is legitimately the subject of legislation; and this I apprehend to be the true rule in all cases in which the Constitution has not prescribed the jurisdiction of the officer in express terms. In the case under review, the Mayor and Aldermen were *ex officio*

Judges of the City and County Court for the time being. The Constitution does not, in *express terms*, take from them those powers which they possessed as a portion of the duties appertaining to their offices—nor in any view does it by implication. Nor does it any where prescribe the jurisdiction of the Judge of the County Courts. It has, therefore, left the subject of jurisdiction to the Legislature, which may regulate it at its pleasure. Hence I infer it may enlarge or take from the judicial power of the Mayor and Aldermen, as it may deem it expedient, subject, however, to the rights secured by the City Charter; and that the several Acts of the Legislature passed since the adoption of the amended Constitution, affecting their jurisdiction, are valid; and that they are not wrongfully exercising the powers conferred upon them, but are in the lawful and rightful exercise of their legitimate duties. I am, therefore, for affirming the judgment of the Supreme Court.

(Copy opinion.)

JOHN L. WENDELL,

State Reporter.

IN THE COURT FOR THE CORRECTION OF ERRORS.

THE PEOPLE,
vs.
VARIAN AND OTHERS. }

BY SENATOR ROOT.

The question here is, whether the Mayor and Aldermen of the City of New York *elected by the people*, and holding their offices *only for the term of one year*, have a right to officiate as *Judges* of the County Courts of the County of New York. *Blackstone* says a *Court* is defined to be a place wherein justice is *judicially* administered ; and that in every Court there must be at least three constituent parts : the *actor*, *reus* and *judex*—and the latter term he defines to be the *judicial power*. The Constitution of the State declares that “the Governor shall nominate by message, in writing, and with the consent of the Senate shall *appoint* all *judicial officers* except Justices of the Peace,” and that the “Judges of the County Courts shall hold their offices for five years,” subject to removal, &c. When these express forms of the fundamental law of the State are applied to the *claims* of the defendants to officiate as Judges of the County Courts, it seems to me no room is left for doubt, and that they must be declared unfounded. The Mayor and Aldermen are neither *appointed* by the Governor, or do they hold their offices for *five years* ; they are *elected* by the people, and hold their offices for only *one year*. It is true that the *Legislature* have authorized them to officiate as Judges of the County Courts ; but no power to confer such authority is entrusted by the Constitution to the Legislature : it is given to the Governor and Senate. The argument which has been urged that the Legislature have not made any appointments in this respect,

but have only designated certain municipal officers, who by virtue of the offices held by them, shall be competent to preside in the County Courts, is no answer to the objection that the Legislature have not the power to appoint judicial officers : it concedes that they have not the power to *appoint*, and consequently the universal principle of law, based in the soundest good sense, applies, that what cannot be done *directly*, cannot be done indirectly.

(Copy opinion.)

JOHN L. WENDELL,
State Reporter.

The judgment of the Supreme Court was then affirmed by the following vote :

FOR AFFIRMANCE.—*Chancellor* Walworth, *Senators* Clark, Edwards, Humphrey, Moseley, Paige, Skinner, Tallmadge, Verplanck, Wager—10.

FOR REVERSAL.—*Senators* A. B. Dickinson, Dixon, Hawkins, Hull, Hunt, Lee, H. A. Livingston, Peck, Root, Works—10.

DOCUMENT No. 86.

BOARD OF ALDERMEN,

APRIL 19, 1841.

Report of the Special Committee on Fire and Water, recommending amendments of the law concerning the Fire Department, which was accepted, and the annexed Ordinance passed.

SAMUEL J. WILLIS, CLERK.

The Special Committee, to whom was referred the message of his Honor the Mayor, in reference to the bill before the Senate of this State, to re-organize the Fire Department of this City ; also the communication of Alderman Cooper, in reference to the Fire Department ; also the memorial of the Fire Insurance Companies, in regard to a paid Fire Department, respectfully

REPORT :

That they have had the same under consideration, and with a view of obtaining the opinions of the members of the Fire Department, they notified the Committee of that body

who were charged with making the application to the Legislature, for a law to re-organize the Fire Department. The Committee of the Fire Department appeared several times before the Special Committee of the Board of Aldermen, and the result of their interviews was as follows :

The Firemen are desirous—First. That the charge of the repairs of the fire apparatus should be restored to the Chief Engineer, as formerly, and that an adequate salary should be paid him for his services.

Second. That the Chief Engineer should have the supervision and direction of the persons employed to ring the several alarm bells in the fire districts.

Third. That he should also have the superintendence of the Public Reservoir.

Fourth. That the existing ordinances in reference to the Fire Department should be rigidly enforced, and that measures should be adopted to check the riotous and disorderly spirit which is making such inroads among a certain portion of the Fire Department.

Your Committee are free to state, that having given to the views of the Fire Department, as expressed through their Committee, deep and serious consideration, they have come to the conclusion that there is much force in their requests, and they believe that should they be granted, it would be to the interest both of the city and the Firemen.

By giving to the Chief Engineer the superintendence of the repairs of the fire apparatus, it would be assigning to him a duty which properly belongs to him, and would be the means of greatly relieving the Superintendent of Repairs. It would be needless for us to enter into any argument here to prove this, as every person at all conversant with the Fire Department will at once see its propriety. That the salary of the Chief Engineer ought to be increased, is not now doubted by your Committee, inasmuch as from the nature of his office, his time is almost constantly engaged in arranging

matters connected with the Fire Department, some of which are imposed by him as part of his duty by the existing laws ; and others, which he feels himself bound to perform, as a matter of courtesy to the Fire and Water Committee ; in fact, it is impossible for a person to hold the office of Chief Engineer and devote himself to any other than the business of that office. And that the duties incidental to it should be well performed, it is right that the incumbent should be proportionably paid ; they therefore recommend that the salary of the Chief Engineer be increased to one thousand dollars per annum.

The Committee would recommend the passage of the following Ordinance.

Respectfully submitted.

SAMUEL NICHOLS,
D. C. PENTZ,
DAVID GRAHAM, Jun.,
ABRAHAM HATFIELD.
CALVIN BALIS.

Received of the Treasurer of the State of New York

the sum of \$100.00

for the purchase of the land

on which the building is to be erected

for the purpose of the

establishment of a

school for the

benefit of the

people of the

State of New York

and for the purchase of the

land on which the building

is to be erected

for the purpose of the

establishment of a

school for the

benefit of the

people of the

State of New York

and for the purchase of the

land on which the building

is to be erected

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benefit of the

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State of New York

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land on which the building

is to be erected

for the purpose of the

establishment of a

school for the

benefit of the

people of the

AN ACT

To amend An Act, entitled "An Ordinance to amend and alter the Laws and Ordinances now in force relative to Fires and the Fire Department," passed July 16th, 1839.

The Mayor, Aldermen and Commonalty of the City of New York in Common Council convened, do ordain as follows:

1. That section seven of said Ordinance be, and the same is hereby repealed, and the following section substituted in lieu thereof, viz.:

The Chief Engineer shall, in all cases of fire, have the sole and absolute control and command over all the Engineers and other persons connected with the Fire Department. It shall be the duty of the Chief Engineer to direct the other Engineers to take proper measures to arrange the several fire engines in the most advantageous manner, and to cause them to be duly worked for the effectual extinguishment of fires. It shall also be the duty of the said Chief Engineer to examine twice in every year, into the condition and number of the fire engines and other fire apparatus and fire engine, hose and hook and ladder houses, and to report the same once a year to the Common Council, together with the names of all the members of the Fire Department, and the respective associations to which they belong, under the direction of the Joint Committee on Fire and Water. It shall also be his duty to superintend the repairing of all fire engines and apparatus which may be sent to the public yard for that purpose, and generally to see that the fire engines

and other apparatus, are kept in good and sufficient order for use. It shall also be his duty to superintend the making of all hose, ladders, hooks and other fire apparatus used for extinguishing fires.

2. That section eight be amended by striking out "five hundred," and inserting instead thereof "one thousand," so that as amended the same will read as follows :

§ 8. The Chief Engineer shall receive for his services, a yearly salary of one thousand dollars, payable quarterly, and shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to perform such duties.

DOCUMENT No. 87.

BOARD OF ALDERMEN,

APRIL 19, 1841.

Report of the Committee on Charity and Alms House on the Communication of the Commissioners of the Alms House, in opposition to the extension of the Lunatic Asylum on Blackwell's Island. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The Committee on Charity and Alms House, to whom was referred the annexed communication of the Commissioners of the Alms House, in opposition to the proposed extension of the Lunatic Asylum, on Blackwell's Island,

REPORT:

That the official statement by your Committee which subsequently became a law, contained, on the fullest reflection, their most deliberate views on the subject. Originally as-

suming to themselves, quite as much capability of arriving at a correct conclusion in the premises as the Commissioners of the Alms House, and equally as great a conviction of the importance of confining the expenditures of the city within the closest limits of economy, they see no reason for a change of opinion, especially as all the objections now urged, had received the attention to which they were entitled.

As the communication of the Commissioners, however, is calculated to convey erroneous impressions to the members not familiar with the subject, your Committee propose to make a few remarks in connection with the singular assertions it contains.

The idea of the proposed extension of the present building two hundred feet, involving an expenditure of one hundred and fifty thousand dollars, must be confined to the minds of the able and efficient Commissioners, and "our worthy and experienced Comptroller."

From other sources your Committee have ascertained, that it can be accomplished for about thirty thousand dollars, and probably for a much less amount.

Your Committee admit, that it will require a partial loss of two hundred feet of the quarry, which they regard of very little importance, inasmuch as the entire island is a *rock*; and consequently the public cannot "be very extensively deprived of the use of an article so absolutely necessary for the erection of buildings." Agreeably to the Comptroller's Reports of 1839 and 1840, it has not furnished, in all its abundance, one cent to the revenue of the city, although your Committee fully agree with the Commissioners, "that the stone on the island might be made to yield ten thousand dollars per annum."

That the erection of the building will interfere with the new made well, is of doubtful probability; should it, however, your Committee do not view it of a serious character, as they have no reason to suppose it to be the only spot on the

island that will yield "surface water." Why it was dug in a direct line with the plan contemplated by the Common Council, for the continuation of the building, is a matter for curious conjecture.

It is true, that when the entire building is finished, "it will present a front of five or six hundred feet to the eastern shore of our island;" your Committee are of opinion, however, that this will not be necessary for many years; at all events, not until the number of lunatics require it; when, of course, it will be unavoidable.

How to prevent insane people from disturbing others by their ravings, your Committee are not prepared to state.

Your Committee have examined the cells recently constructed in the attic: they are mere dormitories; for any other purpose they are useless, and can have no other tendency than to crowd the building with objectionable numbers.

Your Committee are aware that the Commissioners "can erect a building for sixteen thousand dollars, capable of containing one hundred inmates;" they earnestly invite the members of the Common Council to examine the one constructed during the last year: it is an example of "a cheap and commodious building," and peculiarly appropriate to soothe the condition of the unfortunate beings confined within its walls. Your Committee, however, would certainly prefer, if they or any of their friends were deprived of their reason, a much more "showy and extensive" building. How to avoid an increase of attendants, in proportion to the increase of patients, your Committee leave to much wiser heads than their own.

In conclusion, your Committee again reiterate, that they have not only given to the subject the undivided attention its importance demands, but that they have availed themselves of the experience of those who have devoted their minds exclusively to the treatment of the insane, by personally visiting the several Eastern institutions, and conversing

with the several physicians to whose charge they were confided. They, therefore, sincerely hope that the plan recommended by them, and adopted by the Common Council, will be immediately carried out, particularly as the present buildings are totally inadequate to the number now dependent on the public charity.

All of which is most respectfully submitted.

JAMES FERRIS,
EGBERT BENSON.

COMMUNICATION
FROM THE
COMMISSIONERS OF THE ALMS HOUSE,
ON THE
PROPOSED EXTENSION OF THE LUNATIC ASYLUM
ON BLACKWELL'S ISLAND.

*To the Honorable the Common Council of the City of
New York :*

The Commissioners of the Alms House, desirous of relieving themselves from a report now gaining circulation among their fellow citizens, in regard to the propriety of erecting the main building of the Asylum on Blackwell's Island two hundred feet south of the present wing, in conformity with the plan adopted some years ago, respectfully represent that they feel themselves justified in saying that they are now, and ever have been, opposed to it, for the reasons herein briefly stated :

FIRST. That a building of such magnitude, conforming with the wing already built, is, in their opinion, unnecessary; involving and leading to a very heavy expenditure, which it is believed will not be justified by their fellow citizens.

Our worthy and experienced Comptroller has, in his late report, estimated it at one hundred and fifty thousand dollars.

SECOND. That it is proposed to be erected in the face of a quarry which furnishes stone unrivalled in quality by any in the vicinity of the city. In such case the quarry must be abandoned, and the public will be deprived of the use of an article so absolutely necessary for the erection of buildings which will hereafter be required. It is believed that it might be made to yield a revenue of ten thousand dollars the year.

THIRD. It will probably destroy, or diminish, the present abundant supply of excellent water, recently procured at much expense; which, when the heat and drought of summer approaches, may cause a deficiency of that most necessary article, attended with consequences, the effects of which are too serious to be disregarded.

FOURTH. It will present a front, when the whole shall be finished, of five or six hundred feet, to the eastern shore of our island, which will not only disturb and annoy the residents, but will, to a great extent, impair the value of their property.

FIFTH. Because they have already finished twenty-two cells in one of the attics of the principal building, and can add forty more at a small expense; for which, and for other necessary and important purposes, such as heating and supplying water, they are about to ask an appropriation from your Honorable Body.

SIXTH. Because they can erect, and completely finish, a building heated with steam or water, with baths, water closets, and verandahs, to accommodate one hundred inmates, in separate cells, at an expense within sixteen thousand dollars. This is no conjecture; for the one recently built, containing seventy-two cells, cost eleven thousand two hundred dollars, and could now be built for a less sum.

SEVENTH. Because experience has taught them to believe, that an extensive and showy structure will invite persons from all sections of our country to send inmates thereto.

EIGHTH. Because they believe, that to carry out the adopted plan will create the necessity or excuse for a large retinue of officers, such as Wardens and Assistants, a Resident Physician and Assistants, Matrons and Assisting Matrons, Apothecaries, Nurses, &c., which will involve a very heavy additional expenditure, beyond any now necessary.

NINTH. Because they believe that when the Asylum, now nearly finished by our State, shall be completed, it will relieve the institutions of the city from a rapid increase of inmates, unless better inducements and more accommodating terms be offered.

TENTH. Because they think that all buildings, where a choice of site can be had, should face the south.

The foregoing are among the reasons which the Commissioners consider proper to urge as objections to the contemplated and adopted plans of building, all of which, with deference to your better judgment, are most respectfully submitted.

JOHN V. GREENFIELD,
JOHN M. BHADHURST,
ALEXANDER STEWART,
NICHOLAS SCHUREMAN,
NICHOLAS J. QUACKENBOSS,
Commissioners of Alms House.

COMMISSIONERS' OFFICE, }
MARCH 15, 1841. }

DOCUMENT No. 88.

BOARD OF ALDERMEN,

APRIL 19, 1841.

*Quarterly Report of the Croton Aqueduct Department.
Ordered on file.*

SAMUEL J. WILLIS, CLERK.

CROTON AQUEDUCT DEPARTMENT, }
APRIL 1, 1841. }

*To the Honorable the Common Council of the City of
New York:*

In compliance with the ordinance creating this department, the undersigned has the honor of presenting a statement of the expenditures made during the quarter which has just expired, a return of the water pipes and other materials on hand, and the quantities of pipes, &c. under contract.

As the municipal year is drawing to a close, it may be well to speak of the present condition and prospects of the work confided to the care of this department.

From August 10, 1840, to the present time, nearly twenty miles of water pipes have been laid. This, with the thirty-three miles previously finished, makes in all fifty-three miles now laid. Should nothing interrupt the work, there is every probability that on the 4th of July, 1842, the water of the Croton River will be in the houses of all residents below Fourteenth street who choose to take it.

Contracts have been made by which pipes of excellent quality have been purchased at prices far below those formerly paid for an inferior article. The pipes are laid according to minute and well studied plans, by which a great number of branches and stopcocks are dispensed with, without in the least impairing the efficiency of the work. By these means and by contracting for the digging and paving where the pipes are laid, instead of doing it by days' work, the whole expenses are diminished to two-thirds of what they were formerly. In other words, a given quantity of pipes, say ten miles in length, can be purchased and laid complete with all their appendages for two-thirds of the cost of the same quantity one year ago.

Experience has thus far fully justified the purchasing of blast furnace pipes, instead of the more expensive but really no better article of cupola pipes, so strenuously recommended by the Water Commissioners. There is one point, however, never to be overlooked; whether we use blast furnace iron or cupola iron, *it must be produced from good ore*. There are certain localities in Monmouth County, New Jersey, where an ore is found, in great abundance, which is nearly worthless for all purposes where strength is requisite. Pipes made from this ore were formerly purchased by the Corporation in considerable quantities, and the consequence is that these pipes have been bursting in the ground, and still continue to burst, though less frequently than formerly. Out of *ten* cases of bursting in the ground last year, *nine* were of pipes made in Monmouth County, New Jersey. On the other hand, out of thousands of pipes made from ore found

in other parts of New Jersey, in Pennsylvania, Delaware, and Maryland, not a single pipe has burst.

The settling of the earth from under the pipes, sometimes arising from the compressibility of the ground, sometimes from streams of water undermining it, and sometimes from a slight leakage of the pipes themselves ; this settling of the earth exposes the sockets of the pipes to a very severe strain ; and unless the iron is positively strong, a burst will ensue. The passage of heavily loaded vehicles over the ground, or any thing capable of giving it a sudden shock, exposes the pipes below to fracture.

Persons who have had iron to sell, think that almost any thing is good enough for water pipes ; but dearly bought experience should have taught us by this time that no iron is fit for this purpose that is wanting in strength. And no furnace situated near a bed of bad ore should be employed to cast them. The founder, to be sure, *might* procure good ore from a distance ; but every ton of bad ore he consumes is so much profit to him ; and it always happens that such furnaces turn out as bad an article as can be made without being rejected.

These considerations are worthy of attention, and have had a controlling influence in the purchases of pipes recommended by the undersigned, and made by authority of the Aqueduct Committee. An adherence to the interests of the city in this matter might naturally incur the personal hostility of those interested in selling an inferior article ; but it is consoling to reflect that, in such cases, the private evil suffered is far outweighed by the public good secured.

By the resolutions of the Aqueduct Committee, no officer or other person employed upon the work is permitted to receive any perquisite or emolument whatever, besides his salary or daily pay, as the case may be. This salutary regulation, no doubt, promotes the public interest far beyond the mere amount of such perquisites ; and those who reflect upon the power of example will readily understand the reason.

In a work of such magnitude it would be singular indeed if no errors or omissions existed. Besides the intrinsic difficulties of the work itself, the constant and troublesome disputes that have been raised concerning the right of the city to control it, have too long harrassed the department and impeded its progress in the arduous task confided to it. It is to be hoped that these annoyances have ceased, and that henceforth the department can devote itself entirely to its appropriate labors and duties.

All of which is respectfully submitted.

H. A. NORRIS,
Croton Aqueduct Commissioner.

CROTON AQUEDUCT DEPARTMENT, }
NEW YORK, APRIL 1, 1841. }

REPORT OF EXPENDITURES,

FROM 1ST JANUARY TO 30TH MARCH, 1841, INCLUSIVE.

Water Pipes and Branches.

Paid Chandler White	\$ 1,197 90	
" Stephen Colwell	16,355 35	
" Ellicott & Brothers	9,084 58	
" Joseph W. Brick	9,033 28	
" David C. Wood	1,573 06	
" John Cumings	1,291 78	
" James P. Allaire	514 85	
	<hr/>	\$39,050 80

Stopcocks.

Paid T. & G. Rowe, castings	\$ 16 92	
" James Robertson, fitting up ..	3,395 00	
" Do. castings and fitting up	1,080 00	
	<hr/>	4,491 92

Stopcock Boxes.

Paid John J. Moffat	877 50
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Hydrants.

Paid T. & G. Rowe, castings	\$2,067 09	
" Do. labor	8 25	
" James Robertson, fitting up ..	1,100 00	
	<hr/>	3,175 34

Hydrant Boxes.

Paid E. M. Hoffman	\$383 50	
" John Spier	78 00	
	<hr/>	461 50

Carried forward	\$48,057 06
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Brought forward \$48,057 06

Repairing Stopcocks and Hydrants.

Paid C. St. John	\$31 50	
" James Robertson	86 00	
		117 50

Lead for Joints.

Paid James McCullough	\$3,444 72	
" Lawrence & Co.	556 11	
" James Walsh	86 94	
		4,087 77

Yarn for Joints.

Paid R. B. Dikeman	343 15
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Cartage of Pipes.

Paid Thomas Maker	\$ 326 01	
" John J. Cooper	129 38	
" Patrick Slaven	130 13	
" Henry Sarlor	93 76	
" Perez Reynolds	99 13	
" Mathias Carstine	131 62	
" Henry Chanfraud	58 50	
" Thomas Miller	112 13	
" Thomas Miller, jun.	111 76	
" Patrick Gallagher	152 26	
" John C. Wandell	46 87	
" Abraham Teale	37 13	
" Isaac Vanderbeck	39 00	
" Patrick Hamill	53 00	
" George McNamara	16 13	
		1,536 81

Digging and filling Trenches and repaving Streets.

Paid Samuel S. Wandell	6,988 50
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Carried forward	\$61,130 79
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Brought forward \$61,130 79

Repairing Sewers.

Paid Andrew Smith	\$17 63	
“ John J. Moffat	56 79	
	<hr/>	74 42

Tools, and repairing do.

Paid Moore & Vanderbeck	\$ 96 27	
“ Wilson Small	5 00	
“ E. Wainwright	21 50	
“ John J. Moffat	20 00	
“ James Robertson	29 62	
“ John C. Robertson	262 04	
“ William Condons	6 50	
	<hr/>	440 93

White-washing Pipes.

Paid Samuel S. Wandell	210 00
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Patterns for branch and bevel Hubs.

Paid John Cumings	82 38
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Office Furniture.

Paid D. Martine	\$ 6 39	
“ D. Mauny & Co.	16 00	
“ Hewitt & Bailey	10 75	
“ Kipp & Kendall	45 00	
	<hr/>	78 14

Contingent Expenses.

Paid P. Meserole, hay for Hydrants	\$ 20 25	
“ R. Platt, do. do. ..	9 20	
“ N. & J. Tindale, partition, &c., office	22 00	
“ D. Martine, stationery	2 44	
“ John H. Bowie, leather	49 60	
“ Williams & Ferguson, coal ..	27 00	
	<hr/>	
Carried forward	\$130 49	\$62,016 66

Contingent Expenses, continued.

Brought forward	\$130 49	\$62,016 66
Paid John J. Moffat, fixing store house	81 00	
" John Richards, lime	24 88	
" N. Bruhn, drawing boards	11 00	
" James Walsh, powder	4 75	
" C. A. & G. F. Everson, shoe thread, &c.	5 60	
" D. B. Taylor, leather, shoe thread, postage, oil, &c., &c.	17 57	
" William Plumb, printing tickets, advertising, blank books, pos- tage, fire clay, oil, &c., &c. ..	57 19	
		<hr/> 332 48

Workmen's Wages.

Paid foremen and workmen on the lines and at the yard, one clerk and one draughtsman ...	4,598 80
	<hr/> \$66,947 94

Number of the different sizes of Water Pipes and their connections, on hand April 1, 1841.

Pipes of 16 inches diameter	4,374	feet
" 12 " "	1,818	"
" 10 " "	1,170	"
" 6 " "	25,830	"
" 4 " "	8,073	"

Total number of feet 41,265

At Fort Gansevoort, condemned.

Pipe of 12 inches diameter	1,494	feet
Branches, from 16 to 4 inches diameter	186	
Stopcocks of 12 inches diameter	58	
" 6 " "	26	
" old kind, 2 of 12 inches, 2 of 10 inches and 1 of 6 inches diameter	5	
Circulars, 8 of 6 inches, and 23 of 4 inches diameter	31	
Sleeves, from 16 to 4 inches diameter	263	
Bevel hubs from 20 to 6 inches diameter	73	
Reducers, 12, 10, and 6 inches diameter	24	
Caps, 12, 10, 6 and 4 inches diameter	203	
Frames and covers	9	
Hydrants, cast iron	6	
" old kind, at Mr. Robertson's	60	
" castings	5	sets
Bands for hydrants	41	

*Water Pipes and their connections, under contract and
not delivered, April 1, 1841.*

Contractors' Names.	Quantities.	Size.
Ward, Stillman & Co.	4,472 feet	36-inch pipes
Ellicott & Brothers	12,096 "	20 " "
" "	6,081 "	16 " "
" "	80,253 "	6 " "
David C. Wood	4,181 "	6 " "
A. M. Jones & Brother	27,000 "	6 " "
Joseph W. Brick	9,377 "	6 " "
Stephen Colwell	19,400 "	5 " "
James Robertson	100 "	12 " stop cocks
James Robertson	176 "	6 " "

DOCUMENT No. 89.

BOARD OF ALDERMEN,

APRIL 19, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an ordinance to provide for the ac-
countability of the Executive Committees of the Com-
mon Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs, in accord-
ance with the ordinance therefor, respectfully

REPORT :

That a meeting of the Committee, at which were present Aldermen Smith and Nichols, and also Messrs. Penny and Vandervoort, of the Committee of the Board of Assistant Aldermen, was held on Friday evening, March 19th.

The Superintendent of Buildings presented sundry bills, being for the semi-monthly pay of his department, which were audited and allowed by the Committee, and a requisi-

tion on the Comptroller was signed by all the members of the Committee present for the same, amounting to four thousand one hundred and eighty dollars and eighty-one cents.

Of this amount there was applicable to the Fire

Department for workmen's wages.....	\$799 94
To the same for materials, &c.....	449 99
To the general account of repairs and supplies, being for workmen's wages and materials, &c. for several accounts, such as Prisons, Watch- houses, Wells and Pumps, Fuel, Lamp and Street Departments.....	2930 88
	<hr/>
	\$4180 81

Which is respectfully submitted.

ELIAS L. SMITH,
FREEMAN CAMPBELL,
SAMUEL NICHOLS,
EDWARD PENNY, Jun.,
DAVID VANDERVOORT.

DOCUMENT No. 90.

BOARD OF ALDERMEN,

APRIL 19, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an ordinance to provide for the ac-
countability of the Executive Committees of the Com-
mon Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs, in accord-
ance with the ordinance therefor, respectfully

REPORT:

That at a meeting on Friday evening, 2d of April, of the Committee, at which were present Aldermen Smith and Nichols, and Assistant Aldermen Vandervoort and Penny, the Superintendent of Buildings presented sundry bills, being for the semi-monthly pay of his department, which were audited and allowed, and a requisition was signed by all the members of the Committee present for the same, amount-

ing to nineteen hundred and forty-four dollars and ninety-six cents.

Of this amount there was applicable to the Fire	
Department, for workmen's wages.....	\$739 31
To the same for materials, &c.....	287 58
To the general account of repairs and supplies	
for workmen's wages, materials, &c.....	918 07
	<hr/>
	\$1944 96

Which is respectfully submitted.

ELIAS L. SMITH,
FREEMAN CAMPBELL,
SAMUEL NICHOLS,
EDWARD PENNY, Jun.,
DAVID VANDERVOORT.

DOCUMENT No. 91.

BOARD OF ALDERMEN,

APRIL 19, 1841.

Report of the Joint Committee on Fire and Water, in compliance with an ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

The Joint Committee on Fire and Water, in accordance with the Ordinance to provide for the accountability of Executive Committees of the Common Council, respectfully

REPORT:

That at a meeting of the Committee held on the 2d April, a majority being present, the following bills were presented, examined and passed by the undersigned, and a requisition upon the Comptroller to pay the same signed by them, for the amount, being \$131 68, to be charged to the Reservoir expenses, viz. :

R. H. Dunham & Co., for repairs.....	\$40 68
Thomas Maher, for carting dirt.....	5 75
Wm. Panter, for services as Engineer one month.....	54 25
N. Halsey, for services as laborer one month	31 00
	<hr/>
	\$131 68

The bills of the bell ringers of the district bells, being ten in number, for thirty-one days' services each, amounting to six hundred and twenty dollars, were also directed to be paid.

SAMUEL NICHOLS,
ABRAHAM HATFIELD,
D. C. PENTZ,
EDWARD PENNY, Jun.,
WM. L. WOOD.

DOCUMENT No. 92.

BOARD OF ALDERMEN,

APRIL 19, 1841.

Report of the Croton Aqueduct Committee, in compliance with an ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

CROTON AQUEDUCT DEPARTMENT, }
APRIL 2, 1841. }

Report of the proceedings of the Croton Aqueduct Committee, since the last regular meeting of the Board of Aldermen.

The Committee met on the 2d of April, 1841—present Aldermen Cooper and Chamberlain; Assistant Aldermen Vandervoort and Wood. The Aqueduct Commissioner presented the bills enumerated in the following schedule, which, after examination, being found correct, were audited and directed to be paid—all present voting in the affirmative.

Voucher

No. 96.	Pay list of 1st Company Aqueduct work-		
	men	\$198	12
97. Do	2d do do.....	215	13
98. Do.	3d do do.....	263	78
99. Do.	4th do do.....	223	39
100. Do.	5th do do.....	205	63
		—————	\$1,106 05
101.	Pay list, for cartage of pipes.....	516	38
102.	S. S. Wandell, bill for digging		
	and filling trenches, &c..	\$5059	00
	White washing pipes	112	94
		—————	5,171 94
103.	Jos. W. Brick, bill for pipes and branches	2,445	87
104.	Jas. Robertson, bill for hydrants and stop-		
	cocks	1,040	00
105.	D. C. Wood, bill for pipe.....	1,528	06
106.	T. & G. Rowe, bill for hydrant castings	566	93
107.	Lawrence & Co., bill for lead.....	556	11
108.	John C. Robertson, bill for tools and re-		
	pairing tools.....	262	04
109.	R. B. Dikeman, bill for yarn.....	124	61
110.	Moore & Vanderbeck, bill for tools and		
	repairing tools.....	33	39
111.	Wm. Plumb, for sundry bills expenses	29	09
112.	James McCullough, bill for lead.....	1,951	33
		—————	\$15,331 80

DOCUMENT NO. 93.

BOARD OF ALDERMEN,

APRIL 19, 1841.

Report of the Croton Aqueduct Committee, in compliance with an ordinance to provide for the accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

Report of the proceedings of the Croton Aqueduct Committee, since the last regular meeting of the Board of Aldermen.

The Committee met on the 16th of April, 1841—present Aldermen Cooper, Chamberlain and Nichols ; Assistant Aldermen Leonard, Vandervoort and Wood. The Aqueduct Commissioners presented the bills enumerated in the following schedule, which, after examination, were audited and directed to be paid—all present voting in the affirmative.

Voucher

No. 113. Pay list of 1st Company Aqueduct work-
men \$169 26

114. Do. 2d do do.....216 94

115. Do. 3d do do.....214 32

116. Do. 4th do do.....207 77

117. Do. 5th do do.....214 88

118. Do. 6th do do.....152 89

—————\$1,176 06

119. Pay list for cartage of pipes..... 450 25

120. S. S. Wandell, bill for trenches and white-
washing pipes 4,932 50

121. Stephen Colwell, bill for pipes..... 2,939 66

122. James Robertson, bill for stopcocks, &c. 1,280 00

123. T. & G. Rowe, bill for castings..... 480 86

124. James A. Coffin, bill for yarn, blocks, &c. 167 57

125. R. N. Jaques, & Co., bill for repairing
sewers..... 75 50

126. Reuben Smith, bill for pine wood..... 69 38

127. Edward Field & Co., bill for patent scale 57 00

128. William Plumb, bill for sundry bills... 34 75

—————\$11,663 53

Also James McCullough, bill for lead..... 5,019 04

—————\$16,682 57

DOCUMENT No. 94.

BOARD OF ALDERMEN,

APRIL 19, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an ordinance to provide for the ac-
countability of the Executive Committees of the Com-
mon Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs, in accord-
ance with the ordinance therefor, respectfully

REPORT:

That at a meeting of the Committees, at which were pre-
sent Aldermen Smith, Nichols, and Campbell, and Assistant
Aldermen Penny and Vandervoort, on Friday Evening,
April 16th, the Superintendent of Buildings presented the
bills for the semi-monthly pay of his department, which were
audited and allowed by the Committee, and a requisition
for the amount on the Comptroller, was signed by all the

members of the Committee present; amount twenty-six hundred and fifty-one dollars and eighty-eight cents; of this sum there was applicable to the Fire Department—

For workmen's wages.....	\$658 66
To the same account for materials, &c.	592 44
To the general account of repairs and supplies, being for wells and pumps, markets, lands and places, lamp department, street de- partment, prisons, &c. for workmen's wages.. ..	590 51
For materials, &c. for same.....	910 27
	<hr/>
	\$2,651 88

Which is respectfully submitted.

ELIAS L. SMITH,
SAMUEL NICHOLS,
FREEMAN CAMPBELL.

DOCUMENT No. 95.

BOARD OF ALDERMEN,

APRIL 26, 1841.

Minority Report of the Committee on Laws and Applications to the Legislature, on the subject of compensating Members of the Common Council. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned, differing from his associates in the Committee on Laws, &c., to whom was referred Document No. 46, in volume 6, being a report and resolution of a former Committee, on the subject of compensating members of the Common Council, respectfully begs leave to present his views in the form of a

REPORT:

The experience of every member of the Common Council bears ample testimony to the fact, that the ordinary routine of municipal legislation demands great sacrifices of

time, and an immense amount of labor. Almost every evening of the week the attendance of members is required, either in Committees or in Council, to deliberate upon subjects of vital interest, which present themselves for their action in forms more various and complicated, and involving results more important than are effected by the action of many State Legislatures.

It is not deemed necessary, in a document like this, to enter into a detail of the arduous and responsible duties which devolve upon members; their experience, already alluded to, is sufficiently enlightened to render such an enumeration entirely unnecessary. When we contemplate the immense mass of population, accumulated in so small a space as the limits of our city; the great diversity of employments in which all are engaged, calling into active operation the concentrated energies of each individual in his chosen sphere, giving rise to a constant clashing of individual and local interests, and stimulating to unnatural activity all the good and bad faculties and propensities of the human mind and heart; when we think of the swarms of vicious outcasts from the sympathies of small communities, who seek a refuge among our busy population from the scorn of early associates; the demoralizing influences every where at work among us, and tending to people our Alms House and prisons, and to poison our moral atmosphere; in short, when we take into view the infinite variety of peculiar circumstances incidental to such an artificial state of society as is created in a large commercial city, it is not difficult to realize that a faithful attention to the duties of municipal legislation gives rise to responsibilities, and calls for intellectual labors, which are arduous, complicated, and difficult in the extreme.

The organization of society, which provides for a division of labor among its members, does not demand voluntary sacrifices of time or talent from any member of the community, except at the call of charity; and such sacrifices should only be made for the benefit of those who are *unable* to af-

ford a recompense. The man who pursues any of the ordinary avocations of life with conscientious rectitude, is as much entitled to respect as one who faithfully discharges a public trust; yet society never exacts either intellectual or physical labor from a private citizen without rendering a corresponding equivalent. The business of legislation is as necessary to the well being of society as any department of human industry; there is therefore no good reason why the ordinary incentives to faithfulness should be withheld from a public servant; and that provision in our City Charter which prohibits members of the Common Council from receiving a compensation for their public services, makes an unreasonable demand upon those who are called upon to perform their arduous and responsible duties.

The acquisition of a means of subsistence is an incumbent duty upon every member of society, and government inflicts a wrong when it takes from an individual, without a recompense, any portion of the time, talent and labor, which he might employ in procuring for himself a maintenance. The elevation of a citizen to public office is generally the result of a concurrence of circumstances, independent of any peculiar qualifications that he may possess; and thousands in our country can be found who prefer the quiet unobtrusive walks of private life, whose genius is as bright, and whose powers of elocution are as great, as ever figured in a council chamber. The sacrifices of domestic comfort, social enjoyment, and precious time, which public life demands, will not readily be borne by such without some stronger inducement than mere popular distinction, except under such peculiar exigencies as call into active exercise the rare virtue of disinterested public spirit and unaffected patriotism. Such occasions seldom occur, and in their absence the machinery of government is often left to unskilful hands—men who are fond of a little brief authority, or who design to wield the government for their own aggrandizement. The love of approbation, though a powerful incen-

tive to some minds, is not a universal propensity, and by no means a sure guarantee of a conscientious discharge of duty; its aim is purely selfish, and it is as likely to seek its object by the deceitful practices of demagogueism as in the honest path of duty.

Among the changing population of our city there are comparatively few whose interests become permanently identified with its prosperity. A large proportion take up their abode here temporarily, in consequence of the facilities afforded for the accumulation of wealth, and after either accomplishing their purpose or wasting their resources in a fruitless attempt, they usually retire and make way for other adventurers equally careless of our local concerns. Of those who become permanent residents, few have leisure to attend to any thing except their private affairs, and that few are generally men of wealth, who are not remarkable for public spirit, and who from habit and association naturally become proud, arrogant, distrustful and overbearing towards those who move in a more humble sphere; and when chosen to the city councils are liable to be warped in their judgments by sinister interests becoming involved in the course of city legislation. While members of the Common Council receive no compensation for their services, the people are confined in the choice of their municipal legislators to the very small class of men who have a strong thirst for distinction, and can afford to sacrifice the necessary time, or who have some unseen and unsuspected private object to attain. The impolicy of exacting such labor without compensation is apparent from the effects which have flowed from it. Great difficulty has always been experienced in finding men of suitable qualifications, who are willing to assume the responsibility and to perform the necessary labor: those who are selected are consequently not always the first choice of their constituents; and it not unfrequently happens that they enter upon their duties, not with a desire to perform the greatest amount of public service that they are capable of, but a

determination to do as little as they can consistently with their oath of office. It cannot be reasonably supposed that they feel the same degree of responsibility devolving upon them that they would if they received an adequate compensation; nor do their constituents hold them to so rigid an accountability as they would under such circumstances. It is not, therefore, surprising that the management of municipal affairs is left to the departments, almost without the care of supervision by the chosen representatives of the people; or that the course of city legislation, important as it is, attracts so little of public notice. These causes have been in operation in our city at all times; they have grown with our growth and strengthened with our strength, and must continue to operate with increased effect in proportion as our population increases.

The public servant, who, like a faithful sentinel, watches the designs of mischievous men upon the Treasury, the violations of City Ordinances, the inroads of vice and immorality upon the peace and comfort of society, and the encroachments of State power upon the rights of the city, to warn the public of their danger, and to resist their progress, is compelled to encounter, unsustained by popular sympathy, an unrelenting, interested opposition. The masses are too much engaged in secular pursuits to heed his voice, and he is often driven from his post the victim of public supineness, by the clamor of those whose machinations he may have sought to defeat. Such rewards cannot secure faithful services, and faithful services, under such circumstances, cannot secure their legitimate result.

We therefore see our ordinances disregarded, and our authority contemned. The ancient Charter of our City is trampled in the dust by the authority of the State in defiance of our remonstrances, and in open violation of the compact under which we recognize its sovereignty; the interests of our country are disregarded in the common scramble for the contents of the State Treasury, although five-thirteenths of

the whole burden and responsibility devolves upon our city ; our judiciary has been made a miserable tool of executive subserviency ; the ermine has been defiled by political proscription, and the bench polluted by moral degradation ; vexatious laws have been thrust upon us in utter disregard of our remonstrances, and the floodgates of moral and political prostitution have been opened, and are pouring a poisoned deluge into our community—undermining the framework of society, and dissolving those social bonds, and destroying that moral influence without which constitutions, charters and laws become inoperative, and society returns to its original elements. Such have been the effects of an inadequate estimate of the value of public services, and an undue appreciation of the importance and responsibilities of our City Government.

The time may come, and is probably not far distant, when it will become the imperative duty of our city to assume the position of a sovereign and independent State. There are no better reasons for submitting to oppression now, than when our fathers decided upon the necessity of a separation from the mother country. Circumstances of recent occurrence have given ample occasion for an inquiry into the value of a connection which has become a source of annoyance, vexation and oppression ; and though such an inquiry would be out of place in a document like this, it is proper to anticipate probable contingencies while considering the importance of our City Government.

To remove the disabilities under which we labor, two objects are indispensably necessary, viz. : more efficiency in the government, and greater vigilance in the public. It is believed that both of these objects can be attained, by giving to each member of the Common Council a compensation adequate to the services required of him. Public as well as private servants, are more inclined to be faithful to duty when they are compensated for it, than when their duty necessarily involves a positive sacrifice : and employers are

more likely to exact faithful service from a laborer whom they compensate, than from one whose services are voluntary. Let each member of the Common Council realize that he has specific duties to perform, not as a mere charity, for which he is to be applauded, but as a service for which he is to be recompensed : he will then feel a weight of responsibility which he does not feel at present ; and let the public realize that they have a claim upon the time of their representatives, for which they pay an adequate compensation ; they will then exact an amount of labor from them which they are not now in the habit of expecting ; the representative could then be selected from a broader surface in society ; the public would consequently be more generally represented. The legislator could afford to devote the time which proper diligence would require, and the public would be compensated by a more efficient administration of government. The garbled, inaccurate, contradictory, and sometimes libellous accounts of Corporation Proceedings with which the public are now entertained in the columns of partizan newspapers would no longer afford satisfaction, but an accurate transcript of its proceedings would be demanded from the press.

In short, the pay of representatives would lead the money-loving public to exercise that constant supervision over their proceedings, which is absolutely necessary to insure a faithful and efficient administration of any government, and that respect and confidence at home which are its only security against aggression and insult from abroad.

These results are confidently anticipated from the course recommended, and even if they should not be fully realized, the palpable injustice and impolicy of exacting labor without compensation are so apparent to the undersigned, that independent of all other considerations, they present a sufficient reason for the adoption of the following resolution, which is respectfully recommended :

Resolved, That application be made to the Legislature of the State, at its next session, for the passage of an amendment to the City Charter, providing for the compensation of members of the Common Council; said amendment to be submitted to the people for ratification at the next Charter Election.

JOSIAH RICH,

*Minority of Committee on Laws and
Applications to the Legislature.*

DOCUMENT No. 96.

BOARD OF ALDERMEN,

APRIL 26, 1841.

Report of the Street Commissioner, of the amount of bills paid since the 1st day of January, for Labor and Materials on the Roads previous to the 1st day of January. Ordered to be printed.

SAMUEL J. WILLIS, CLERK.

Resolved, That the Street Commissioner report to this Board, the amounts of the bills paid since the first day of January last, for work and labor done on the roads, and materials furnished for the repairs thereof, which work and labor were performed, and materials furnished, before the said first day of January.

Offered by EGBERT BENSON.

The Street Commissioner, in pursuance of the annexed resolution, directing him to report the amount of bills paid

since the first day of January last, for work and labor done on the roads, and materials furnished and used on the roads before the said first day of January, respectfully

REPORTS:

The total amount of bills paid since the first day of January last, for work and materials on the roads as aforesaid, to be \$5967 60 cents, exclusive of the amount of a bill of \$1472 12½ for blacksmith work, recovered by Daniel Flyn, in a suit against the Corporation.

JOHN EWEN,
Street Commissioner.

STREET COMMISSIONER'S OFFICE, }
April 18th, 1841.

REPORT

OF THE

COMMITTEE OF ARRANGEMENTS

OF THE

Common Council of the City of New York,

FOR THE

Funeral Obsequies

IN MEMORY OF

WILLIAM H. HARRISON,

Late President of the United States :

WITH AN

ORATION,

BY THE

HON. THEODORE FRELINGHUYSEN,

CHANCELLOR OF THE UNIVERSITY OF THE CITY OF NEW YORK.

BRYANT & BOGGS, PRINTERS,

27 Pine Street, New York.

1875

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DOCUMENT No. 97.

BOARD OF ALDERMEN,

APRIL 26, 1841.

The Joint Special Committee who were appointed to make suitable arrangements for the Funeral Obsequies of WILLIAM HENRY HARRISON, late President of the United States, presented the following report thereon ; whereupon one thousand copies were ordered to be printed under the direction of the Committee.

SAMUEL J. WILLIS, CLERK.

THE Joint Special Committee of both Boards of the Common Council, appointed to make arrangements for paying proper respect to the memory of WILLIAM HENRY HARRISON, late President of the United States, respectfully

REPORT:

That they have endeavored to discharge the duty assigned to them, in a manner at once befitting the occasion, and demanded of them by the unanimous expression of the public voice; and if they have, in any respect, fallen short of what

may have been justly expected of them as the representatives of the City of New York, they earnestly assure the Common Council that such failure has not arisen from a want of due appreciation of the solemnity of the trust confided to them, or of the just expectations of their fellow citizens.

Immediately after their appointment, your Committee were waited upon by a Committee of the Common Council of the City of Brooklyn, consisting of Aldermen *March, Oakley, Hart, Cross, and Burbank*, who expressed a desire to unite with your Committee, on behalf of the City of Brooklyn, in the proposed arrangements; to which desire your Committee readily and cheerfully assented. They then, in conjunction with the Committee of the Common Council of the City of Brooklyn, proceeded to consider the subject referred to them, and on the 6th of April, instant, they unanimously adopted the following resolutions, which were proposed by Alderman Benson, and directed them to be published in the papers of the day :

Whereas, it is announced that the funeral of the late President of the United States will take place on Wednesday the 7th instant, at 12 o'clock, noon, it is

Resolved, By the Joint Committees of the Common Councils of the Cities of New York and Brooklyn, that our fellow citizens of the said cities are requested to close their stores and places of business to-morrow, from the hour of twelve at noon until sunset, and also all places of public amusements in the respective cities to-morrow evening. That the bells of the several churches in the two cities, and fire alarm bells, be tolled

from noon till 2 o'clock, P. M., and that 68 minute guns (being the number of years of the late President) be fired from the Battery, and also from such place in the City of Brooklyn, as the Committee from that city may designate. That the owners and masters of vessels in the harbor, and the proprietors of all public places in the said cities are requested to display their flags at half-mast during the whole day, and that our fellow citizens are requested to wear the usual badge of mourning for sixty days.

Resolved, That the Common Councils of the Cities of New York and Brooklyn will solemnize the death of the late President of the United States, by a civic and military procession, to be composed of the military and different societies and citizens of our respective cities, and that such procession take place on Saturday next.

Resolved, That the different societies, trades and associations, and Fire Departments of our cities, are requested to send delegates to meet a Committee of this Body on Thursday next, at 12 o'clock, at the Common Council chamber, to make the necessary arrangements to carry out the views of the Common Councils in an appropriate manner.

Resolved, That the Army and Navy of the United States, on this station, are requested to co-operate with us in making the necessary arrangements, and that they are requested to send officers to represent them at the meeting to be held at the Common Council chamber, on Thursday, at 12 o'clock at noon.

Immediately after the appointment of your Committee, the co-operation of the military and of the various civic associations, and of our citizens generally, was tendered in aid of the proposed solemnities ; and in order to meet their views, sub-committees were appointed by your Committee, to make the necessary arrangements in that behalf. The Committee on the military consisted of Aldermen *Peers*, *Nash* and *Underwood*, of New York, and *Cross* and *Burbank*, of Brooklyn ; and on the civic societies and associations, of Aldermen *Graham*, *Pollock* and *Wood*, of New York, and *Oakley* and *March*, of Brooklyn.

It was also, on motion of Assistant Alderman *Davies*,

Resolved, That a Committee of five be appointed to select a suitable person to deliver an oration on the occasion of the solemnities, and Aldermen *Davies*, *Benson* and *Hatfield*, of New York, and *March* and *Hart*, of Brooklyn, were appointed such Committee.

It was further, on motion,

Resolved, That a Committee, consisting of Aldermen *Smith* and *Benson*, of New York, and *March*, of Brooklyn, be appointed to wait upon the Hon. MARTIN VAN BUREN, ex-President of the United States, and invite him to attend upon the funeral solemnities in honor of the late President.

A communication was received at the same meeting of the Committee from the Veteran Corps of Artillery, which was accepted, and which was as follows :

NEW YORK, APRIL 6, 1841.

Dear Sir :—Understanding that our Honorable Corporation have had under consideration the propriety of doing honor to the obsequies of our late President, William Henry Harrison; should it be desirable, the Veteran Corps of Heavy Artillery respectfully tender their services to your Honorable Body for the purpose of firing the minute guns during the procession in honor of the occasion.

Respectfully submitted.

GEORGE W. CHAPMAN,

Captain Com'dt. Veteran Corps.

At a meeting of the Committee held on a subsequent day, the Committee appointed to select an Orator of the day, reported that they had designated the Honorable THEODORE FRELINGHUYSEN, Chancellor of the University of the City of New York, for that purpose, who had accepted the appointment.

At the same meeting the following orders from the military were laid before the Committee :

MILITARY DEPARTMENT.

ORDERS.

State of New York—Head Quarters.

ALBANY, APRIL 6TH, 1841.

GENERAL ORDERS.

Information having been received of the death of WILLIAM HENRY HARRISON, President of the United States, and Commander in Chief of the Army and Navy thereof, the following arrangements will be observed by the Militia of this State, as a manifestation of respect to the memory of that illustrious General and Magistrate.

The usual badge of mourning, consisting of crape on the left arm and on the sword hilt, will be worn by all the com-

missioned officers of the Militia of this State until after the next annual inspection and review of their respective corps.

The Commandants of all Artillery Regiments and Battalions, and of all companies of Artillery attached to Regiments or Brigades of Infantry throughout the State, will cause guns to be fired within their respective commands, at every half hour from sunrise until sunset; and the Commandants of the Militia will direct the national standard, dressed in mourning, to be displayed from their respective head quarters on the day next after the receipt of these orders.

The Commissary General and keepers of the military stores will furnish the necessary implements and ammunition for these funeral honors.

Officers receiving copies of this order will promulgate the same without delay throughout the bounds of their respective commands, and will superintend its prompt execution.

By order of the Commander in Chief.

RUFUS KING,

Adjutant General.

NEW YORK STATE ARTILLERY:

Head Quarters—First Division.

NEW YORK, APRIL 7TH, 1841.

Order No. 6.

The afflicting intelligence contained in the foregoing General Orders, of the 6th instant, is promulgated for the information of this Division.

The occasion which calls for this demonstration of respect, is one which must awaken feelings of profound and universal regret. For the first time under our government, the Constitutional head of the civil and military power of the country has been removed by death, while in the exercise of his high functions. Public testimonials of respect are due alike to the distinguished station occupied by the deceased, and to the character of the illustrious dead.

The Major General feels persuaded that the Division will unite with alacrity in rendering the honors appropriate to this melancholy event.

Pursuant to General Orders, Brigadier General Morris will order a sufficient detachment from his Brigade, to fire half hour guns on the Battery, from the rising to the setting of the sun, on Thursday the 8th instant.

Commissary General Chandler will furnish the ammunition requisite to carry this order into effect.

Commandants of Brigades will attend the meeting of the Joint Committee of the Common Council, at the City Hall this day, at 11, A. M.

The division will parade in uniform on Saturday, the 10th instant, to unite in the funeral ceremonies contemplated in the arrangements of the Common Council.

Division Orders will hereafter be issued in reference to this subject. By order of

Major General SANDFORD.

ROBERT C. WETMORE,
Division Inspector.

NEW YORK STATE ARTILLERY.

*Head Quarters—First Division, }
New York, April 8th, 1841. }*

ORDER No. 7.

SUPPLEMENTARY.

The Division will parade for the purpose of rendering funeral honors to the memory of General WILLIAM HENRY HARRISON, late President of the United States, on Saturday, the 10th instant. Division line will be formed in Broadway, left resting on Chambers street, with front to the West, at 11 o'clock, A. M., precisely.

Commandants of Brigades will issue the necessary orders in regard to the appropriate insignia of mourning.

The Cavalry and Horse Artillery, and Field and Staff Officers of the several Brigades, will appear dismounted.

The Division will wear the customary badge of mourning for six months ensuing. By order of

Major General CHARLES W. SANFORD,
Commanding.

ROBERT C. WETMORE,
Division Inspector.

INFANTRY ORDERS.

NEW YORK, APRIL 7TH, 1841.

In announcing to the corps of Infantry the decease of that distinguished patriot and illustrious citizen, WILLIAM HENRY HARRISON, late President of the United States, the Chiefs of the several Divisions of the city deem it unnecessary to refer to the qualities composing his character, for his history is identified with his country's glory. No words could do justice to his merits—none express the deep feeling occasioned by the melancholy bereavement. Universally beloved while living, his memory will receive a nation's homage now that he is no more.

The several uniform corps of Infantry of this city, and the Officers of Infantry off duty, are invited to assemble in full uniform, with the usual badge of mourning, in the rear of the City Hall, on Saturday, the 10th instant, at 11 o'clock, A. M., to unite with the Honorable the Corporation in paying funeral honors to the late President. The General and Field Officers and Commandants of uniform corps of Infantry are requested to meet at the Infantry Drill Rooms, on Thursday evening, the 8th instant, at 8 o'clock, precisely.

GEORGE S. DOUGHTY,
Maj. Gen. 31st Division.

JAMES J. JONES,
Maj. Gen. 3d Division.

G. A. STRYKER,
Maj. Gen. 28th Division.

JOHN LLOYD,
Maj. Gen. 32d Division.

THIRD DIVISION OF INFANTRY.

NEW YORK, APRIL 7, 1841.

The Major General hastens to publish the following General Order to the Division, and he expects from the officers an immediate attention to the same.

It being the intention of the Common Council of the City of New York, to solemnize the death of the illustrious indi-

vidual, by a procession, on Saturday next, and to invite the Military to co-operate, the time and place of assembling for such purpose will be announced in a future order. By order of

(Signed.) Major General JONES,
PETER R. BRINKERHOFF,
Division Inspector

HEAD QUARTERS, }
32d Division N. Y. S. Infantry. }

DIVISION ORDERS.

NEW YORK, APRIL 8, 1841.

The accompanying General Orders are published for the information of the officers of this Division.

All the officers and the several uniformed corps of this Division, will assemble in full uniform, dismounted, with the usual badge of mourning, at the Infantry Drill Room, on Saturday, the 10th instant, at 10 o'clock, A. M., to unite in paying funeral honors to our late President, WM. HENRY HARRISON.

The General and Field Officers and Commandants of Uniform Companies of Infantry, are requested to meet at the Infantry Drill Room, on Thursday evening, the 8th instant, at 8 o'clock precisely.

Brigadier General Cummings and Acting Brigadier General Morris will carry the requisition of these orders into effect.

By order of Major General LLOYD.

F. MAHONY,
Division Inspector.

TWENTY-EIGHTH DIVISION N. Y. S. INFANTRY.

DIVISION ORDERS.

Head Quarters, New York City, April —, 1841.

The Commissioned Officers of the several Regiments and

Brigades of Infantry composing this Division, and the Officers of the Division Staff, are ordered to meet at the Infantry Drill Rooms, on Saturday, the 10th instant, at 10½ o'clock, A. M., in full uniform, with the usual badge of mourning, to join in paying funeral honors to our late President WILLIAM HENRY HARRISON.

The usual badge of mourning, consisting of crape on the left arm and on the sword hilt, will be worn by all the Commissioned Officers of this Division, until after the next annual parade of inspection and review.

The Commandants of the 45th and 58th Brigades of Infantry will promulgate this order for the information of their respective commands. By order of

Major General GARRIT H. STRIKER,
Commanding 28th Division of Infantry.

R. H. WINSLOW,
H. ALLAN WRIGHT,
Aids de Camp.

FIRST BRIGADE LIGHT HORSE ARTILLERY.

Brigade Order No. 1.

NEW YORK, APRIL 5, 1841.

The Commandant herewith announces the melancholy news, the death of Gen. WM. HENRY HARRISON, late President of these United States, by a circular from his Cabinet. It appears he died about half past twelve o'clock on the morning of the fourth instant, perfectly composed.

To pay that respect to the honored dead, and especially to one who has heretofore received the confidence of our immortal Washington, the officers of this Brigade will wear crape on their left arm for sixty days, and Commandants of Regiments and troops will cause the national flag to be displayed at half-mast at their respective rendezvous, the day following the reception of this order, from the rising until the setting of the sun.

Commandants of Regiments will cause this order to be forthwith promulgated, and to hold their respective commands in readiness to perform such further respect as may

be deemed expedient by the civil authorities, or our superiors in command. By order of

HENRY STORMS,
Brigadier General,
Commanding First Brigade Horse Artillery.
OSCAR CALES, *Aid de Camp.*
ROBERT BROWN, *Brigade Major.*

FIRST BRIGADE LIGHT HORSE ARTILLERY.

Brigade Order No. 2.

NEW YORK, APRIL 7, 1841.

Commemorative of the burial of our late President, General WILLIAM H. HARRISON, which takes place this day noon, at Washington, minute guns, corresponding with age of deceased, (sixty-eight,) will be fired by a detachment from the First Regiment of this Brigade, at Brooklyn Heights, under charge of Major Albert Powell, and on the Battery by Captain William Chapman, commencing at 12 o'clock, noon.

By order of

HENRY STORMS,
Brigadier General.
OSCAR COLES,
Aid de Camp.
Per H. J. STORMS,
Assistant.

FIRST BRIGADE, N. Y. STATE ARTILLERY.

Head Quarters—Order No. —.

NEW YORK, APRIL 7, 1841.

This Brigade will assemble on Saturday, the 10th instant, to unite with the civil authorities in paying funeral honors to the memory of the late President of the United States.

Line will be formed on Broadway, right on Leonard street, at 11 o'clock, A. M.; Field and Staff and Cavalry dismounted.

Commandants of Regiments will cause their colors to be shrouded in crape for two months, and crape streamers will be worn on them for six months, from the date of this order.

Officers will wear crape on the left arm and sword hilt, for six months.

By order of

HENRY U. SLIPPER,
Colonel Commanding
1st Brigade N. Y. State Artillery.

ALEX. J. COTHEAL,
Br. Q. M.

SIXTH BRIGADE, N. Y. STATE ARTILLERY.

Brigade Orders.

NEW YORK, APRIL 7TH, 1841.

This Brigade is ordered for duty on Saturday, 10th instant, to pay funeral honors to the late President of the United States. The line will be formed in Broadway, right on Canal street, at 11 o'clock, A. M.

Commandants of Regiments will cause their colors to be shrouded in crape for two months, and crape streamers will be worn on them for six months from the date of this order. The drums will be muffled. The Field and Staff Officers and Cavalry will appear on parade dismounted.

The Officers will wear crape on the left arm and on the sword hilt for six months.

In compliance with Division Orders of this date, Colonel Smith will order a sufficient detachment of the Eleventh Regiment to fire half-hour guns from the Battery, from the rising to the setting of the sun, on Thursday, the 8th instant. Commissary General Chandler will furnish the necessary ammunition.

By order of

Brigadier General GEORGE P. MORRIS.

WILLIAM DENMAN,
Aid-de-Camp.

VETERAN ORDERS.

NEW YORK, APRIL 8TH, 1841.

Veterans—An all-wise Providence having removed from life our late Commander-in-Chief, our duty requires that we unite with our fellow citizens in rendering every mark of respect usually awarded to the illustrious dead.

The Veteran Corps, including the Veteran Guards, under Captain Tuthill, will assemble at the Arsenal Yard, on Saturday, the 10th instant, at 10 o'clock, A. M.; Officers with crape on their left arms and hilt of their swords; privates with crape on the hilts of their swords only. Lieut. Surree will take charge that the standards and gun colors are in crape.

By order of

GEORGE WARREN CHAPMAN,
Captain Commandant.

CHARLES ROBB, *Adjutant.*

THIRTY-EIGHTH REGIMENT OF NEW YORK
STATE ARTILLERY.

JEFFERSON GUARDS—REGIMENTAL ORDERS.

New York April 7th, 1841.

Pursuant to Brigade Orders, the Companies of this Regiment, located in the City of New York, will parade on Saturday next, the 10th instant, to render funeral honors to the late President of the United States. The regimental line will be formed in Broome street, right on Broadway, at 10 o'clock, A. M.

The colors will be shrouded in crape for two months from the date of this order. The drums will be muffled. The Field and Staff Officers will appear on parade dismounted.

The Officers of this Regiment will wear crape on the left arm and on the sword-hilt for six months.

By order of

COLONEL ANDREW WARNER.

CHAS. P. DALY, *Adjutant.*

FIFTY-NINTH BRIGADE, THIRD DIVISION, NEW
YORK STATE INFANTRY.*New York, April 8th, 1841.*

The above General and Division Orders are promulgated for the information of the Officers of the Brigade, and to carry out the views therein contained, the Officers of the Brigade will meet at the Infantry Drill Rooms, on Saturday, the 10th instant, at half-past 10 o'clock, A. M., in full uniform, with the usual badge of mourning, (srape on the left arm and on the sword-hilt,) to join with their fellow citizens and brother Officers, to do funeral honors to the memory of the late venerable Chief Magistrate and Commander-in-Chief of all the Militia of the United States.

The Brigadier General expects the Officers of the 59th Brigade will not permit this opportunity to pass without performing the last sad duty towards one whose long life has been devoted to the best interests of his country, whether in the Councils of the Nation, on the battle field, or as a pioneer of the great West. The name of GENERAL HARRISON has always been identified with the true interests and glory of his country. By order of

DANIEL LEE,
Brigadier General.

LEWIS R. DAVIS,
Brigade Major and Inspector.

LIGHT INFANTRY BRIGADE.

BRIGADE ORDER.

New York, April 9, 1841.

The several uniform corps attached to the Infantry of the City of New York, having organized themselves into a Brigade for the purpose of uniting as a part of the military escort in the funeral solemnities to the late President of the United States, and having selected Brigadier General Kiersted of the 63d Brigade of Infantry to command them on

that occasion. General Kiersted, with acknowledgments for the distinction conferred upon him, hereby assumes the command.

The Brigade will consist of three Regiments, and will be commanded as follows:

- 1st. Regiment, Col. Ewen, of the 8th Reg't Light Infantry.
- 2d. do Col. Mumford, of the 252d Reg't Infantry.
- 3d. do Major Tuttle, of the Washington Guards.

The Brigade line will be formed precisely at 11 o'clock, A. M., on Saturday the 10th instant, in Broome street, right on Crosby street.

By order of

BRIG. GENERAL KIERSTED.

T. A. SWORDS, *Brigadier Major and Inspector,*
63d Brigade of Infantry.

LIGHT INFANTRY REGIMENT—NO. 2.

REGIMENTAL ORDERS.

New York, April 9, 1841.

The foregoing Brigade Orders are hereby promulgated.
The several Corps composing this Regiment, viz.:

The Union Riflemen—the Benson Cadets,
The Montgomery Guards,
The Veteran Guards—the Washington Cadets,
The Putnam Guards, and the
Livingston Guards,

will form in Regimental Line, on Saturday, the 10th inst., in Centre street, the right resting on Grand street, at 10 o'clock, A. M. The Field and Staff will appear on parade dismounted, and all officers will wear the usual badge of mourning, (crape on the left arm and sword hilt.)

By order of S. JONES MUMFORD, *Colonel,*

S. J. BOOKSTAVEN, *Adjutant.*

63d BRIGADE OF INFANTRY.

BRIGADE ORDERS.

New York, April 9, 1841.

In compliance with the invitation to join the funeral solemnities to the late President of the United States, the officers are requested to assemble at the Infantry Drill Rooms, on Saturday, 10th instant, in full uniform, with the usual badge of mourning, at half past 10, A. M.

By order of BRIG. GEN. KIERSTED.

J. A. SWORDS, *Brigade Inspector.*

10th BRIGADE NEW YORK STATE INFANTRY.

BRIGADE ORDERS.

New York, April 8, 1841.

The Officers of this Brigade are requested to assemble at the Infantry Drill Rooms, on Saturday, the 10th instant, at half past 10, A. M., in full uniform, with the usual badge of mourning, to join in the funeral solemnities to be paid to the late President of the United States.

By order of

BRIG. GEN. FREDERICK PENTZ.

A. KINTZING POST, *Aid de Camp.*

8th REG. LIGHT INF.—PRESIDENT'S GUARDS.

New York, April 9, 1841.

Pursuant to the invitation of the Common Council of this City, and Brigade Orders of this date, the several Companies composing the Regiment, and the volunteer companies, will assemble, fully uniformed and equipped (without knapsacks,) at the junction of East Broadway and Grand street, on Saturday, the 10th instant, at 10 o'clock, A. M., for the purpose of

uniting with the other uniformed corps and citizens, in a funeral procession in honor of the late President of the United States. Officers will wear black crape on the left arm and on the sword hilt.

By order of

COL. JOHN EWEN.

WM. H. OGILVIE, *Adjutant.*

264th REGIMENT N. Y. STATE INFANTRY.

HEAD QUARTERS—ORDER NO. 2.

New York, April 8, 1841.

The foregoing General, Division, and Brigade Orders, are published for the information and guidance of this command.

The sad intelligence contained in said orders will be received by all with unfeigned grief.

In compliance with the above Brigade Order, the Officers of this Regiment will assemble in full uniform, Field and Staff Officers dismounted, with the prescribed badges of mourning, on the 10th instant, at 10 o'clock, A. M., at the Infantry Drill Rooms, Centre Market, to join with our fellow citizens in paying the last tribute of respect to the memory of our late President, WM. HENRY HARRISON.

Captain Cairns, of the Independent Guard, and Captain Schwartz, of the Washington Riflemen, with their respective commands, armed and equipped in full uniform, and badges of mourning, will parade at the same time and place, to participate in the solemnities of this occasion.

Field Officers of this Regiment, and Commandants Cairns and Schwartz, are requested to meet our fellow-officers this evening, at 8 o'clock, at the Infantry Drill Rooms, to perfect arrangements and receive further instructions.

By order of

F. E. MATHER, *Lieut. Col. Commanding.*

W. C. SCOTT, *Acting Adjutant.*

3d BRIGADE, 32d DIVISION.

HEAD QUARTERS—ORDER NO. 39.

New York, April 8, 1841.

General Orders of the 6th instant, and Division Orders of this day, are hereby, in accordance with the directions therein contained, promulgated to this command.

By order of

Brig. Gen. T. S. CUMMINGS.

HECTOR MORRISON, *Brigade Major and Insp.*

64th BRIGADE N. Y. STATE INFANTRY.

HEAD QUARTERS—ORDER NO. 5.

New York, April 8, 1841.

The preceding General and Division Orders announcing the melancholy intelligence of the death of our late venerated Chief Magistrate, are promulgated for the information of this Brigade.

In compliance with Division Orders of this date, the Officers of this Brigade will assemble in full uniform, (Field and Staff dismounted) with the usual badges of mourning, on Saturday next, the 10th instant, at 10 o'clock, A. M., at the Infantry Drill Room, for the purpose of uniting with the civil authorities in paying funeral honors to the late President of the United States—Major General WILLIAM HENRY HARRISON.

The Uniform Corps of this Brigade are directed to parade in full uniform with the usual badges of mourning, on Saturday, the 10th instant, at 10 o'clock, A. M., at the Infantry Drill Room for the same purpose.

The Field Officers and Commandants of Uniform Companies are requested to meet at the Drill Room, on Thursday evening, 8th instant, at 8 o'clock, P. M.

Commandants of Regiments will cause these orders to be published throughout their respective commands.

By order of ROBERT C. MORRIS,

Acting Brigadier General.

H. W. SILL, *Brigade Major and Inspector.*

58th BRIGADE N. Y. STATE INFANTRY.

BRIGADE ORDERS.

New York, April 7, 1841.

The Commissioned Officers of this Brigade are requested to assemble in full uniform (with the usual badge of mourning on the left arm and sword hilt,) at the Infantry Drill Rooms, Centre Market, on Saturday next, the 10th instant, at half past ten o'clock in the forenoon, for the purpose of uniting with their fellow citizens in rendering funeral honors to the late lamented President of the United States, WILLIAM HENRY HARRISON. By order of

Brig. Gen. R. L. SCHIEFFELIN.

JAMES MASON, *Aid de Camp.*

BRIGADE INFANTRY.

BRIGADE ORDERS NO. 57.

New York, April 7, 1841.

The nation justly mourns the loss of one of its prominent patriots of the Washington school, in the death of WILLIAM HENRY HARRISON, the late popular head of our great Republic. With a view of joining the civil authorities, and our military associates of the city, in paying a last tribute of respect to the memory of the late President of the United States, the officers of the 45th Brigade of Infantry will assemble in full dress, with crape on the sword hilt and left arm, at the Infantry Drill Rooms, at half past 10 o'clock, A. M., on Saturday, the 10th instant. Colonels Benson, Moore and Hudson, will also respectively direct the Light Infantry Companies attached to their commands to assemble in full uniform, with the usual badge of mourning, at the same time and place last above mentioned.

Pursuant to General Orders from Head Quarters, the Officers of this Brigade will continue to wear the usual badge of mourning, until after the next annual inspection and review of their respective corps.

WM. L. MORRIS, *Brig. General.*CHAS. B. WHITTEMORE, *Aid de Camp.*

62d BRIGADE OF INFANTRY.

BRIGADE ORDERS NO. 22

New York, April 9, 1841.

The attention of the Officers of the 62d Brigade, is hereby directed to the General Orders from Head Quarters, published in this paper. To testify their obedience thereto, and as a mark of their deep sense of the bereavement our country has sustained, the Brigadier General calls upon them to join with him in attendance on the funeral obsequies ordered by the Civil Authorities, in memory of our late Chief Magistrate. They will, for that purpose, assemble at the Infantry Drill Room, over Centre Market, to-day, (Saturday) 10th instant, at half past 10 o'clock.

By order of

Brigadier General M.^r KEELER.

W. D.^r WADDINGTON,

Brigade Major and Inspector.

THIRTY-SECOND DIVISION N. Y. S. INFANTRY.

Major General John Lloyd and Staff.

Officers of the Third Brigade.

Brigadier General Thomas S. Cummings and Staff.

Colonel Abel Smith, and Officers of the Fifty-first Regiment Infantry.

Colonel William Steel, and Officers of the Tenth Regiment Infantry.

The following Battalion and Companies, attached to the Third Brigade, were on duty and formed part of the escort:

First Battalion Second Regiment Light Infantry.

Washington Guards, commanded by Major Andrew C. Tuttle.

Tompkins Blues, commanded by Captain Samuel W. Seely.

Montgomery Guards, commanded by Captain John Munday.

Franklin Blues, commanded by Captain Thomas D. Smith.

Officers of the Sixty-fourth Brigade.

Acting Brigadier General Robert C. Morris and Staff.
 Colonel Nicholas Carroll, and Officers of the One hundred
 and forty-second Regiment of Infantry.
 Lieutenant Colonel Frederick E. Mather, and Officers of the
 Two hundred and Sixty-fourth Regiment Infantry.

The following Companies of the Sixty-fourth Brigade were
 on duty and formed part of the escort :

Veteran Guard, One hundred and forty-second Regiment,
 commanded by Captain Daniel L. Tuttle.
 Union Riflemen, One hundred and forty-second Regiment,
 commanded by Captain Samuel S. Parker.
 Independence Guard, Two hundred and sixty-fourth Regi-
 ment, commanded by Captain John T. Carnes.
 Washington Riflemen, Two hundred and sixty-fourth Regi-
 ment, commanded by Captain Lewis Schwarts.

THIRD DIVISION OF INFANTRY.

New York, April 16, 1841.

Dear Sir :— Agreeably to your request I enclose copies of
 Division and Brigade Orders, issued within my command,
 upon occasion of paying funeral honors to the late President
 of the United States, on the 10th instant. I have also to
 state that the following officers were present upon that day :

Major General James J. Jones 3d Division
 Brigadier General Kiersted 63d Brigade
 Brigadier General Lee 59th Brigade

and that nearly all the Officers of the following Regiments
 composing the division were present, viz.: 75th, 115th, 223d,
 249th, 258th, 257th, 267th and 269th.

There was but one Company, (called the Livingston
 Guards) on duty from this Division; it was under the fol-
 lowing Officers :

Captain William Roome,
 Lieutenant O. H. P. Brush.

This Company, with the other light Companies of the se-
 veral Divisions of Infantry, were organized as a Brigade up-

on the above occasion, under the command of Brigadier General Henry T. Kiersted, of this Division. It was composed of three Regiments, the First under the command of Colonel Ewen, of the 8th Light Infantry Regiment; the second under Colonel Mumford, of the 252d Regiment of Infantry, and the third under Major Tuttle, of the Washington Guards.

The 1st in addition to the 8th Light Infantry (President's Guards) contained the Scott's Cadets and two other companies whose names are not furnished.

The 2nd consisted of the Union Riflemen, the Benson Cadets, the Montgomery Guards, the Veteran Guards, the Washington Cadets, the Putnam Guards, and the Livingston Guards.

The 3rd Regiment consisted of the Battalion of Washington Guards, the Independence Guards, and one or two other Companies whose titles are not known to me; the whole making a force of about five hundred men.

I regret exceedingly that I was accidentally prevented from making this report to you (as requested) yesterday.

Respectfully your obedient servant,

JAMES J. JONES,
Major General 3d Division.

GENERAL ORDER.

It has become my painful duty to announce to the Officers of the Navy and Marine Corps, attached to this station, under my command, the death of WILLIAM HENRY HARRISON, late President of the United States, which occurred on the morning of the 4th instant, at Washington, and to direct, in compliance with the directions from the Department, their manifestation of respect for the exalted character, eminent public services of the deceased, and their sense of the loss sustained by our common country, by this afflicting event, by wearing the usual badge of mourning for six months.

And I further direct that funeral honors be paid him on board each of the vessels in commission at this station, by firing twenty-six minute guns, commencing at 12 o'clock, M., to-morrow, and by wearing their flags at half mast for one week.

(Signed.)

J. RENSHAW, *Com'dt.*
Navy Yard, New York, April 7th, 1841.

GUARD SHIP NORTH CAROLINA, }
April 7th, half-past 9, A. M. }

SIR—I this moment received your note in relation to the officers, men and boys attached to this ship, joining the procession to be formed on Saturday next, to render proper funeral honors to the late President of the United States, WILLIAM HENRY HARRISON.

It is impossible for me to meet the Committee at 10 o'clock this morning—the time of my receiving your note and the time of meeting do not allow of it—however, any arrangement that the Committee may adopt with regard to myself and officers and boys will be attended to.

I am respectfully,

Your obedient servant,

JOHN GALLAGHER, *Captain.*

D. GRAHAM, Jun., Esq.,

*Chairman of the Committee of the
 Common Council, New York.*

NAVAL LYCEUM,
 UNITED STATES NAVY YARD, N. Y., }
 APRIL 7TH, 1841. }

ELIAS L. SMITH, Esq.,

Alderman, City of New York,

Chairman of the Committee of Arrangements :

SIR—I am directed by Commodore James Renshaw, to inform you that at a meeting of the officers attached to this yard and station this morning, Captain J. T. Newton, Commander J. R. Sands, U. S. Navy, and Captain Jno. Harris, U. S. M. Corps, were appointed a Committee, to meet the Joint Committee of the Common Councils of the Cities of New York and Brooklyn, to make arrangements relative to the funeral procession, to be formed on Saturday next. The Committee will attend at 12 o'clock.

I am, Sir, very respectfully,

Your obedient servant,

JNO. A. FARLEY, A. L.

The following proceedings of civic and other societies, and associations of citizens were likewise laid before the Committee, with a request that suitable places in the proposed ceremonies should be assigned to them:

Delegates from the Board of Trustees of Columbia College, John L. Lawrence, Beverly Robinson and Clement C. Moore, Esquires.

The Faculty and Students of the University of New York will attend.

NEW YORK CHAMBER OF COMMERCE.

Extract from the Minutes of the meeting held on Tuesday, the 7th of April, instant:

On motion of James G. King, seconded by Prosper M. Wetmore,

Resolved, That the members of this Chamber have learned with the deepest regret, the decease of WILLIAM HENRY HARRISON, late President of the United States, and that in testimony of their respect for his memory, they will wear the usual badge of mourning for thirty days.

Resolved, That the above resolutions be published, and a copy thereof transmitted to the family of the deceased.

ISAAC CAROW, *President*.

EDWARD A. B. GRAVES, *Secretary*.

BOARD OF TRADE.

At a meeting of this Board, held April 8th, 1841, the following resolutions, presented by G. P. Disosway, were unanimously adopted:

Resolved, That this Board sympathize in the universal feelings of sorrow upon the death of WILLIAM HENRY HARRISON, President of the United States.

Resolved, That this Board, as a solemn tribute of respect for the distinguished patriotic services and private virtues of the deceased, as well as a mark of grateful remembrance for

his long and faithful devotion to our country, will unite in the funeral honors on this occasion.

Resolved, That Messrs. Leavitt, Disosway and Cushman, constitute a Committee to confer with the Common Council, to carry into effect the above resolutions.

Resolved, That the members of this Board be requested to wear the usual badge of mourning on the left arm for sixty days.

J. W. LEAVITT, *President*.

WM. W. PINNEO, *Secretary*.

We, the undersigned, officers of Charitable Societies in this city, desire to join in the proceedings for the solemnization of the death of the late President.

THOMAS FESSENDEN,

*1st Vice President of the New England Society,
in the absence of the President.*

CHARLES EDWARDS,

President of the St. George's Society.

D. S. KENNEDY,

President of the St. Andrew's Society.

R. HOGAN,

President of the Society of F. Sons of St. Patrick

VICTOR DE LAUNAIS,

President of the French Benevolent Society.

C. W. FABER,

President of the German Society.

NEW YORK, APRIL 9, 1841.

Gentlemen—I have the honor to inform the Committee of the Common Council, that the St. David's Benevolent Society will be prepared to join the funeral solemnities to-morrow, and will be gratified to occupy a place in the procession, to be assigned to them by the Committee.

With great respect, your obedient servant,

DAVID C. COLDEN,

*Acting President of the St. David's
Benevolent Society.*

To the Committee of the Common Council.

MEETING OF THE BAR.

Pursuant to public notice, the Members of the Bar assembled in the Superior Court Room, on Saturday, the 10th of April, 1841, at eleven o'clock.

Hiram Ketchum called the meeting to order, and on his nomination, David B. Ogden was appointed President.

On motion of the Hon. John McKeon, M. C., Daniel Lord, jun., and Charles O'Connor, were appointed Vice Presidents; and on motion of Henry W. Warner, William H. Harison, and James T. Brady, were appointed Secretaries of the meeting.

(Mr. Brady being absent from indisposition, George B. Butler was appointed by the officers of the meeting to act in his stead.)

James R. Whiting, the District Attorney of the City and County of New York, moved the following resolutions, which were passed unanimously, viz. :

Resolved, That the Bar of New York fully participate in the unfeigned sorrow which the death of our Chief Magistrate has spread through the nation.

Resolved, That when the political head of any people is called away by death from his eminent position, it behoves the people over whom he was placed solemnly to consider the uncertainty of human life, and the vanity of earthly distinctions; but in view of the decided and warm manifestations of public confidence which attended the elevation of our late Chief Magistrate to office, the flattering evidences of popular favor with which he entered upon his duties, the brevity of his term, and the sudden and unexpected manner in which he was torn from the warm embraces of his fellow citizens, and united to the band of the illustrious dead, we find cause for the profoundest meditation.

Resolved, That however we may have been divided in the late political contest, we now remember WILLIAM HENRY HARRISON, only as an Illustrious American—our Countryman; one called by the voice of a free and intelligent people to the highest political distinction on earth, and suddenly summoned by the Ruler of Nations to surrender that post; as Americans, forgetting all minor distinctions, we are one in sorrow, and unitedly mingle our tears over the grave of the deceased.

Resolved, That we will wear the usual badge of mourning, and this day join the funeral procession.

On motion of John Cleaveland it was

Resolved, That we join the funeral procession, headed by the Officers of the meeting and the mover of the foregoing resolutions, and marshalled by the Secretaries; and that the members be arranged as nearly in the order of seniority as may be.

Upwards of two hundred and fifty gentlemen of the bar, almost all in full mourning, in addition to many other members of the profession who officiated as pall-bearers, marshal of the day and his assistants, and in other stations, civil and military, then formed in procession: the Secretaries bearing staves of office covered with black crape.

WILLIAM H. HARISON, *Secretary*.

GEORGE B. BUTLER, *Acting Sec'y*.

PUBLIC SOCIETIES.

I. O. of O. F.

GRAND LODGE ORDERS.

*Head Quarters, National Hall, }
New York, April 8, 1841. }*

The several Subordinate Lodges of the I. O. of O. F. of the City of New York and the County of Kings, will assemble in full regalia, at their respective places of meeting, on Saturday morning, the 10th of April, at nine o'clock, and proceed in Lodge form to Head Quarters, National Hall, Canal street; arriving at ten o'clock precisely, to join the general procession in paying funeral Honors to General WILLIAM HENRY HARRISON, late President of the United States.

The several Subordinate Marshals will report to P. G. Lewis H. Watts, Assistant Grand Marshal, immediately upon their arrival at Head Quarters.

The several Subordinate Lodges will take branch according to seniority, the Junior Lodges in front, forming six abreast, except the Officers and Supporters, who will form in the usual manner.

The brethren of the Grand and Subordinate Lodges are requested to appear in white gloves, dark colored cloth coats, black hats, and the usual badge of mourning on the left arm.

Assistant Grand Marshals.

P. G. Lewis H. Watts,	P. G. Willett Charlick,
P. G. Thomas B. Tappan,	P. G. George Ruben,
P. G. Thomas Vollinger,	P. G. James Scartiff.

By order.

JOHN G. TREADWELL,
Grand Marshal.

The R. W. Grand Lodge of New York will convene at the Howard House, Broadway, on Saturday morning, at nine o'clock. By Order.

JOHN G. TREADWELL,
G. Secretary.

GENERAL COMMITTEE OF DEMOCRATIC WHIG
YOUNG MEN.

A meeting of this Committee will be held at National Hall, Canal street, on this (Saturday) morning, the 10th of April, instant, at ten o'clock, for the purpose of joining in the funeral solemnities of our late President.

BENJAMIN DRAKE,
President.

WILLIAM B. MARSH,
GILES M. HILLYER,
Secretaries.

MERCANTILE LIBRARY ASSOCIATION.

At a general meeting of the members of this association,

held at Clinton Hall, on Thursday evening, April 8, 1841, to express their sympathy on the occasion of the decease of the late President of the United States, WILLIAM HENRY HARRISON, on motion of Hector Morrison, President of the Association, John H. Gourlie was called to the Chair, and Samuel Sloan appointed Secretary.

The Special Committee of the Board of Direction, charged with making appropriate arrangements on the part of the Association, having made a report of their proceedings, it was, on motion of John Butler, jun., unanimously

Resolved, That the members of the Mercantile Library Association, participating in the general grief on the occasion of the death of WILLIAM HENRY HARRISON, late President of the United States, do approve the measures taken by the Board of Direction, on the part of the Association, to make a suitable manifestation of our sorrow for the unexpected and melancholy event.

Resolved, That as a testimony of the profound respect entertained for the memory of the late illustrious President, and sincere regret for the irreparable loss the nation has sustained by this afflicting bereavement of Divine Providence, the members of this association will wear the usual badge of mourning for sixty days; and agreeably to the arrangements made by the Select Committee of the Board of Directors, will unite with the public authorities and citizens generally, in the observance of appropriate funeral solemnities, on Saturday next, the 10th instant.

Resolved, That the members, and others intending to join with the association in the funeral ceremonies, are requested to meet in the Lecture Room of Clinton Hall, on Saturday morning next, at half past ten o'clock, when suitable badges and other emblems of mourning will be furnished.

Resolved, That the above resolutions be published.

JOHN H. GOURLIE,

Chairman.

SAMUEL SLOAN, *Secretary.*

Members are requested to provide themselves with the usual badge of mourning. By order.

SAMUEL SLOAN,

Recording Secretary.

AMERICAN INSTITUTE.

New York April, 8, 1841.

At a stated meeting of this Institute, held this evening, the following preamble and resolutions were, on motion of General Tallmage, the President of the Institute, unanimously adopted :

Whereas, it has pleased the Supreme Disposer of all events, in his wise, just, and mysterious Providence, to remove from this life WILLIAM HENRY HARRISON, the late venerated President of the United States, be it, therefore,

Resolved, That suitable arrangements be made by the Trustees of the American Institute, for joining in the solemnities of the funeral ceremonies contemplated by our fellow citizens, in honor of the memory of the deceased.

Resolved, That the members be requested to assemble on Saturday, the 10th instant, at half past ten o'clock, A. M., at the Institute Rooms, for the purpose of joining in the procession, and that they will wear the usual badge of mourning for thirty days.

(Attest.)

G. R. J. BOWDOIN,
Recording Secretary.

NATIONAL ACADEMY OF DESIGN.

Whereas, we have heard, with the deepest regret, of the death of our Chief Magistrate, President HARRISON, and deeply sympathising with the friends of the deceased, and our fellow citizens generally, in this national bereavement, therefore

Resolved, That the members of the Academy be requested to wear the usual badge of mourning, (crape on the left arm,) until after their next annual meeting.

Resolved, That the members of the Academy assemble on Saturday, the 10th instant, at the Rooms of the Academy, at eleven o'clock, to unite with our fellow citizens in paying the last tribute of respect to the memory of the deceased.

Resolved, That the Secretary, J. L. Morton, Esq., is hereby appointed, on the part of the Academy, to announce to the Corporation our acceptance of their invitation to unite in the ceremonies, and to make such other arrangements as are necessary.

THE MEMBERS OF THE BAR,

In mourning, will meet in the Superior Court Room, on Saturday next, at eleven o'clock *precisely*, for the purpose of expressing their united sense of the NATIONAL AFFLICTION, and of joining their fellow citizens in the ceremonials of the day.

It is hoped that every gentleman of the profession will be present.

Hiram Ketchum,

John McKeon,

John Cleaveland,

John A. Morrill,

B. F. Butler,

Samuel R. Betts,

William H. Harison,

S. Jones,

Ogden Edwards,

W. T. McCoun,

O. Hoffman,

J. R. Whiting,

M. Ulshoeffer,

David B. Ogden.

April 8, 1841.

NEW YORK FIRE DEPARTMENT.

A meeting of the Engineers, Foremen and Assistants of the New York Fire Department, was held at Firemen's Hall, on Wednesday evening, April 7, 1841, C. V. Anderson, Chief Engineer, in the Chair.

The object of the meeting having been stated by the Chairman to make arrangements for solemnizing the death of the late President, the following resolutions were on motion of Carlisle Norwood, seconded by Henry B. Hinsdale, unanimously adopted :

Whereas, an all-wise and overruling Providence has seen fit to remove by death, WILLIAM HENRY HARRISON, President of the United States ; and whereas, the Common Coun-

cil of this City has requested that the members of the Fire Department should unite with them in solemnizing the death of the late President ; therefore, be it

Resolved, That the Firemen of the City of New York, entertaining profound respect for the patriotic services and eminent virtues of the late President, and sympathizing with our fellow citizens in the general grief into which his sudden death has plunged them, will unite in solemnizing this melancholy event on Saturday next, in such a manner as may be determined upon by our authorities.

Resolved, That in pursuance of the request made by the Committee of the Common Council, we do appoint six delegates to meet with the former at the City Hall, on Thursday, at 12 o'clock at noon, for the purpose of making the necessary arrangements to carry out the object named in the foregoing resolution.

Resolved, That the delegates be requested to publish in the Courier and Enquirer, New Era, and the Sun, the plan determined upon by them, and also the hour and place at which the Firemen shall assemble on Saturday next.

Resolved, That as it is contemplated that the Firemen shall unite with the civic procession, that the foreman of every company is hereby requested to exclude all boys or volunteers from their ranks.

Resolved, That the delegates have the entire arrangements of the procession.

Resolved, That the delegates appoint the Grand Marshal, and that they act as his aids—also have power to add to their number.

Messrs. Carlisle Norwood, George W. Varian, Elijah C. King, Henry B. Hinsdale, John P. Lacour, and George Kerr, were appointed as delegates to meet with the Common Council.

On motion, it was

Resolved, That the Chairman and Secretary of the meeting be added to the delegates.

Resolved, That the proceedings of this meeting be published.

CORNELIUS V. ANDERSON,

President.

JOHN T. ROLLINS, *Sec'y.*

The Committee on the Fire Department, appointed at the meeting of Engineers and Foremen, on Wednesday evening, 7th instant, have determined on the following

ORDER OF ARRANGEMENTS.

The line will be formed precisely at half-past 10 o'clock, on Saturday morning, in East Broadway, the right resting on Pike street.

Officers of companies are requested to exclude all volunteers and boys, and to have their companies promptly on the ground, as the procession will move to the place assigned by the Committee of the Common Council, precisely at 11 o'clock.

The companies will appear without any of their apparatus and in citizen's dress, with their appropriate banners and badges, the banners shrouded in crape, and each member will wear crape on the left arm. The foremen and assistants will also carry their speaking trumpets, shrouded in crape.

The line will be formed in the following order, viz.:

1st—Grand Marshal and two Aids, on the extreme right.

2—Exempt Firemen.

3d—Officers and Trustees of Fire Department Fund.

4—Fire Wardens.

5—Engine Companies, in regular succession, beginning with No. 1.

6—Hose Companies in the same order.

7—Hook and Ladder Companies.

8—Hydrant Companies.

After the line is formed, it will be broken into sections of six, and march to the place assigned by the Committee of the Common Council, where they will take their place in the funeral procession, in reversed order.

In case of an alarm of fire, the companies located in the district where the fire occurs, will retire from the line, in an orderly manner—the other companies will retain their places until ordered to leave by the Chief or Assistant Engineers.

Grand Marshal,

CORNELIUS V. ANDERSON.

Aids to the Grand Marshal :

John T. Rollins,	Carlisle Norwood,
Frederick D. Kohler,	George W. Varian,
William C. Bradley,	Henry B. Hinsdale,
Zophar Mills,	Elijah C. King,
Jesse Brush,	George Kerr,
William A. Freeborn,	John P. Lacour,
John S. Kenyon.	

CARLISLE NORWOOD,

*Chairman of the Committee of Arrangements.*HENRY B. HINSDALE, *Sec'y.*

FIRST WARD HOSE COMPANY, No. 8.

The members and ex-members of this Company are requested to assemble at the Carriage House, on Saturday, 10th instant, at 10 o'clock, A. M., for the purpose of uniting in the funeral procession in honor of our late venerable and patriotic President, General WILLIAM HENRY HARRISON.

H. B. HINSDALE, *Foreman.*JOHN W. MOORE, *Sec'y.*

SOUTHWARK ENGINE COMPANY, No. 38.

The members of this Company are hereby requested to meet at Jones' Second Ward Hotel, 87 Nassau street, on Saturday next, at 10 o'clock, A. M., to join with the Department in paying funeral honors to our late President, WILLIAM HENRY HARRISON.

By order of the Foreman.

AUGUSTUS EMBREE, *Sec'y.*

EXEMPT FIREMEN.

The Exempt Firemen of the Cities of New York and

Brooklyn, are requested to assemble at the Hospital Green, Broadway, this morning, at 10 o'clock.

By order of

UZZIAH WENMAN, *Chairman.*

At a meeting of the Democratic Republican General Committee, held at National Hall, on Friday evening, the 7th of April, the following resolutions were unanimously adopted :

Resolved, That this Committee, in common with their fellow citizens, have received with feelings of deep regret the melancholy intelligence of the decease of WILLIAM HENRY HARRISON, late President of the United States. That while we cherish with feelings of pride the recollection of his public services, his private virtues and patriotic devotion to the interests of his country, and the integrity of our Constitution, we deplore the calamity which has thus cut short his career of usefulness, and deprived the nation of its Chief Magistrate.

Resolved, That this Committee, in a body, will unite with their fellow citizens in the funeral ceremonies in honor of the late President, and that a Committee of five be appointed by the Chairman to communicate with the appropriate Committees on the subject.

Resolved, That the foregoing resolutions be published.

JAMES N. WELLS, *Chairman.*

EDWARD SANDFORD, }
FREDERICK A. GAY, } *Secretaries.*

Notice.—The Committee are requested to meet at National Hall, this morning, at half-past 10 o'clock.

NEW YORK, APRIL 8TH, 1841.

To the Honorable the Common Council of the City of New York :

This is to certify, that Francis Tudhop and John Graham, have been appointed as a delegation from the Journey-

men Stone Cutters' Association of the City of New York, to take their place in the line of march in the procession on Saturday, April 10th, 1841.

WILLIAM YOUNG, *President.*

HENRY LARKIN, *Rec. Secretary.*

JEREMIAH LOONIE, *Cor. Secretary.*

NEW YORK, APRIL 7TH, 1841.

At a meeting of the Trade Society of Journeymen Sail Makers, on Wednesday evening, April 7th, Mr. James Olsen, bearer of this credential, was duly appointed to act with your Honorable Body, to represent this body as a delegate.

JAMES E. LENT, *President.*

JAMES S. COLE, *Secretary.*

NEW YORK, APRIL 7, 1841.

To Elias L. Smith, Esq.,

Chairman, &c. Joint Committee.

SIR—Pursuant to a resolution of your Committee inviting delegates from the different societies, &c., to meet with you in making arrangements to carry out the views of the Common Council, in the matter of the death of the President of the United States, Messrs. William H. Brasher, Jno. T. Lorton and George A. Halsey, were appointed such Committee on behalf of the New York Society of Letters.

Your most obedient servant,

JAS. H. HEROY,

President, pro tem., Board of Directors.

Attest.

R. P. CLARK, *Secretary.*

This is to certify, that the bearers, F. W. Wolfe, Joseph Sturn, and George McKibbin, are a Committee, regularly

appointed at a meeting of the Benevolent Association of Bookbinders, held on Wednesday evening, April 7th, 1841.

THOS. JEWESSON, *President.*

EDWARD MCWHOOD, *Secretary.*

Delegates from the following Societies.

For the United Benevolent Society of Journeymen Tailors—Edward Rielly:

For the Hibernian Universal Benevolent Society—John McBride:

For the Shamrock Benevolent Society—Daniel Hughes:

For the Hibernian Benevolent Burial Society—Patrick Kelly:

Are in attendance to receive necessary orders with regard to their proper place in the line of procession, &c. &c.

It is hereby certified, that the following gentlemen constitute the Committee appointed to wait upon the Honorable Common Council, by the Democratic Whig General Committee and the General Committee of Democratic Whig Young Men, in relation to the funeral solemnities of President Harrison, Samuel G. Raymond, Benjamin Drake, Giles M. Hillyer, Revo C. Hance, James R. Wood.

SAMUEL G. RAYMOND,

Chairman.

GILES M. HELLYER,

Secretary of Committee of Arrangements.

DELEGATES FROM THE CARTMEN.

Andrew R. Jackman,
Stephen D. Halsted,

Robert Millicken,
Lorenzo Dibble,

Evert S. Voorhees.

To Alderman David Graham, Jun.,

SIR—The following were appointed a Committee on the part of the Grand Lodge of the State of New York, Independent Order of Odd Fellows, to unite with the Committee on the part of the Common Council, to make arrangements for funeral honors to our late President WILLIAM HENRY HARRISON, viz.: John A. Kennedy, Charles McGowan, Wm. A. Tyler, Wm. Y. Clark, and John G. Treadwell.

JOHN G. TREADWELL, *G. Secretary.*

New York, April 8, 1841.

NEW YORK, APRIL 7, 1841.

At a Special Meeting of Leather Dressers, held at the Shakspeare Hotel, corner of William and Duane streets, Mr. F. W. Wood was appointed Chairman, and Mr. Robert Bradshaw Secretary.

Resolved, That a Committee of three be appointed to meet the Joint Committee of the Cities of New York and Brooklyn, to make the necessary arrangements to carry out the views expressed in the resolution of the Common Councils aforesaid, when Mr. W. McDougal, Mr. J. Larkins, and Mr. B. Bradshaw, were unanimously appointed.

FREDERICK W. WOOD, *Chairman*,
ROBERT BRADSHAW, *Secretary*.

At a meeting of the Board of Trade, held April 8, 1841, the following members were appointed a Committee to meet that from the Common Council, to unite in arrangements for the funeral honors to President HARRISON, viz.: John W. Leavitt, D. A. Cushman, G. P. Disosway.

James Osborn, a delegate from Williamsburgh, informs the Committee that a procession will be formed in that place, and wish to be assigned a place in the procession immediately after the delegation from Brooklyn.

NEW YORK, APRIL 8, 1841.

The New York Benevolent Society of Shipwrights and Caulkers would wish to unite with the funeral procession on Saturday next: delegates, William Bennet, Joseph Waterbury, Robert McGowan, Jun.

Delegates from the Butchers of the Cities of New York and Brooklyn—Jacob Aims and George Pessenger
April 8, 1841.

To the Grand Marshal of the Day.

SIR—The Butchers of the City of New York and Brooklyn would embrace the earliest opportunity to inform you of their intention to parade in the solemnities of Saturday next, and as it would be necessary that you should know their number, in order to assign them their proper place in line, they are fully assured that their number will be six hundred strong.

Respectfully yours,

LAWRENCE WISEBURN,
Grand Marshal of the Butchers' Society.

At a meeting of "The Society of the Friendly Sons of St. Patrick," held at the City Hotel on the 7th instant, the following preamble and resolutions were adopted:

Whereas, "The Society of the Friendly Sons of St. Patrick" have, in common with their fellow citizens generally, received with deep regret the intelligence of the death of WILLIAM HENRY HARRISON, late President of the United States of America. Be it therefore

Resolved, That this Society unite in the funeral solemnities to take place on Saturday next, the 10th instant, and that

a Committee, consisting of James Reyburn, Dudley Persse, and M. O. Barry, be, and the same are hereby appointed, to meet the Committee on the part of the Corporation of the City of New York, at the City Hall, on Thursday next, the 8th instant, at 12 M.

Resolved, That the members of this society wear the usual badge of mourning for thirty days.

Resolved, That the proceedings of this meeting be published in the daily papers.

ROBERT HOGAN, *President*.

M. O. BARRY, *Secretary*.

NEW YORK, APRIL 5, 1841.

To the Committee of Arrangements:

GENTLEMEN—The undersigned, delegates from the General Society of Mechanics and Tradesmen, beg leave to request a station in the procession preceding other Mechanic Associations, on account of its being the oldest, and also being composed of all trades, numbering fifteen hundred members, exclusive of the Readers at the Apprentices Library, numbering seventeen hundred, which will be under their charge. The Society was organized in 1785, and took part in the federal procession on the adoption of the Constitution.

DELEGATES.

Samuel Roome,
James Van Norden,

L. W. Stevens,
Adoniram Chandler,

Isaac Fryer.

New York, April 7, 1841.

This is to certify that the following persons were duly appointed as a Delegation from the Smiths' Beneficial Society,

to meet the Committee of the Common Council, for the purpose of making the necessary arrangements in paying the funeral honors to the late President of the United States, W. H. HARRISON: Daniel Cherry, Silas Pearsall, and James E. Miller.

SILAS PEARSALL,

President.

JOHN LEONARD, *Secretary.*

IN DEMOCRATIC REPUBLICAN YOUNG MEN'S
GENERAL COMMITTEE.

At a meeting of this Committee, held at Tammany Hall, on Wednesday evening, the 7th instant, the following Gentlemen were appointed Delegates to represent us, and join with this body in making arrangements to unite in the funeral procession of our late President, WILLIAM HENRY HARRISON, viz.: G. W. Guion, M. Fallon, George C. Alexander, James M. Hedges, and I. W. Styles.

By order of the Committee.

JAMES W. McKEON,

Chairman.

G. W. GUION,

EMORY TOWNSEND,

Secretaries.

Thursday, 1st April, 1841.

ELIAS L. SMITH, Esq.,

Chairman of Committee of Common Council, &c.:

SIR:—The Fire Department of New York, having resolved to unite with the Common Council and their fellow citizens, in solemnizing the death of WILLIAM HENRY HARRISON, late President of the United States, I would respectfully ask that they may be assigned a suitable station in the

procession to take place in commemoration of that event on Saturday next.

CARLISLE NORWOOD,
Chairman of Committee of F. D.

POLICE OFFICE.

Halls of Justice, }
New York, April 8, 1841. }

ELIAS L. SMITH, Esq.,
Chairman of Committee of Arrangements :

RESPECTED SIR :—

The undersigned Police Magistrates, for themselves and in behalf of the whole Department, being desirous of publicly manifesting their respect to the memory of our deceased President, WILLIAM HENRY HARRISON, respectfully request your Honorable Committee to assign them a station in the procession to take place for that purpose on Saturday next, the 10th instant.

MILN PARKER,
HENRY W. MERRITT,
E. STEVENS,
GEORGE W. MATSELL,
ROBERT TAYLOR,
JAMES PALMER.

NEW YORK, APRIL 8, 1841.

*To the Committee of the Common Council having charge
of the Ceremonials on the decease of the late President
of the United States :*

The Junior Members of the New York Bar request a place to be assigned to them in the procession to take place on Saturday next.

GEORGE BOWMAN, *Chairman.*

E. S. DAY, *Secretary.*

Members of the Central Democratic Republican Committees, of the Tippecanoe and other Harrison Associations of the City of New York.

J. N. REYNOLDS, *President.*

The undersigned, Delegate for the National Academy of Design, respectfully requests on behalf of the Academy, a situation in the line of procession, to be formed on the occasion of the funeral solemnities in honor of our late President.

JOHN L. MORTON, *Sec'y, N. A.*

MERCANTILE LIBRARY ASSOCIATION.

Clinton Hall, April 7, 1841.

Alderman E. L. SMITH,
Chairman of the Committee, &c.

SIR—The Mercantile Library Association of this City, being desirous of uniting with the Authorities of our City in paying a just tribute of respect to the memory of the late President of the United States, beg leave to request that you will assign them a suitable position in the procession on Saturday next.

It may be proper to state that the Association consists of some four thousand members engaged in mercantile pursuits.

Very respectfully yours,

With much respect,

SAMUEL SLOAN,
Chairman of the Committee.

82 Cedar street.

Robert Bogardus, Esq. :

Dear Sir:—The Italian Benevolent Society of the City of New York, wishes a place assigned them in the procession

to be formed on Saturday next, to attend the funeral ceremonies of our late President, General WILLIAM H. HARRISON.

Yours very respectfully.

JOHN B. COSTA,
FRANCIS MONTEVERDE,
Committee.

April 8, 1841.

TAMMANY SOCIETY, OR COLUMBIAN ORDER.

The undersigned report themselves as a Committee on the part of the Tammany Society, to join in paying respect to the late President of the United States.

JOHN I. MANNING,
ALLAN M. SNIFFEN,
ELIJAH F. PURDY,
CHARLES MILLS.

April 8, 1841.

NEW YORK, APRIL 7, 1841.

At a meeting of the Paul Jones Parading Club, held at their Library Room, No. 263 Broome street, on last evening, it was unanimously

Resolved, That we appoint three delegates to represent the Club at the Council Chamber.

The following persons were appointed: Captain E. J. Hincken, Lieutenant G. W. Palmer, and President McKenzie.

(Signed.) D. W. McKENZIE, *President*.
H. WEEKS, Jr., *Secretary*.

*To the Committee of Arrangements of the Honorable
Common Council:*

The Miami Club respectfully ask at the hands of you

Committee, any place in the procession on Saturday, in order to pay the last tribute of respect to the late President of the United States, General WILLIAM H. HARRISON.

Delegates, Louis Blanche and Edward Fleming.

The American Association of Young Men respectfully request that you will grant them a situation in the procession on Saturday next, to celebrate the funeral obsequies of our late and respected President, WILLIAM H. HARRISON.
Number between thirty and forty.

J. R. CHAPIN, *President.*

H. D. PRIEST, *Secretary.*

*American Institute, }
New York, April 8, 1841. }*

To the Committee of Arrangements in honor of the memory of General WILLIAM H. HARRISON, late President of the United States:

GENTLEMEN—I am desired to ask of you, in behalf of the American Institute of the City of New York, for its officers and members, the assignment of a place in the programme of the funeral procession.

With much respect your obedient servant.

T. B. WAKEMAN,
Superintending Agent.

The Smiths' Beneficial Society send as their delegates, James L. Miller, Nathaniel Pearsall, and Daniel Cherry, to ask a place in the procession.

New York, April 7, 1841.

ELIAS L. SMITH, Esq., *Chairman of the Committee of Common Council, &c., &c.:*

SIR—I have the honor to inform you, that at a meeting

of the Engineers, Foremen and Assistants of the New York Fire Department, held on Wednesday evening, April 7, 1841, the following persons were appointed Delegates on behalf of the department, to meet with the Committee of the Common Council, to make arrangements for solemnizing the death of the late President of the United States :

Carlisle Norwood,	John P. Lacour,
George W. Varian,	George Kerr,
Elijah C. King,	C. V. Anderson,
Henry B. Hinsdale,	John T. Rollins.

Very respectfully, your obedient servant,

JOHN T. ROLLINS,

Secretary of E., F. & A. of F. D.

To ELIAS L. SMITH, Esq.,

*Chairman of the Committee of Arrangements
for the funeral obsequies of the late Presi-
dent of the United States :*

The undersigned were appointed, last evening, by a meeting of Exempt Firemen, to make the necessary arrangements for paying due honors to the funeral rites of the deceased President.

Signed.

ELIJAH T. LEWIS,
UZZIAH WENMAN,
W. W. WILSON,
HENRY M. LUDLUM,
Committee.

NEW YORK TYPOGRAPHICAL SOCIETY.

At a meeting of the Board of Directors of the Typographical Society, held on Wednesday evening, the following preamble and resolutions were unanimously passed :

Whereas, it has pleased the Almighty Being, whose every action is dictated by infinite wisdom, to remove the Chief Magistrate of the Republic from that sphere of usefulness to which he had been called by the suffrages of his fellow citizens, and to gather to his fathers the patriot and the states-

man to whom was confided the direction of the destinies of a great people. Therefore, be it

Resolved, That in common with the great body of our fellow citizens, we deeply sympathise with the family of the deceased, and most sincerely regret the loss which they, as well as the country at large, have sustained in the death of WILLIAM HENRY HARRISON.

Resolved, That when those whose lives have been distinguished for the benefits which they have conferred upon society are called from among us, we deem it the duty of their survivors to testify their appreciation of the merits of the deceased, by such tributes of respect as it is in their power to bestow.

Resolved, That in accordance with the sentiment of the above resolution, we will join with our fellow citizens in the solemnities with which they seek to mark their respect for the memory of the illustrious dead.

Resolved, That Hugh Pattinson, Charles Andrews and J. G. Clayton, be a Committee to confer with the Committee of the Common Council, and of other professions, as to the proper method of carrying these resolutions into effect.

Resolved, That a general meeting of the trade be called, to convene at the Howard House, corner of Howard street and Broadway, on Thursday (this) evening, at 8 o'clock.

J. G. CLAYTON, *President*.

G. S. WHARAM, *Sec'y*.

TO PRINTERS.

A meeting of the New York Typographical Society, the Association, and all persons connected with the trade, will be held at the Howard House, corner of Howard street and Broadway, on Thursday (this) evening, at 8 o'clock, to take into consideration the propriety of uniting with their fellow citizens in the funeral solemnities on the occasion of the death of WILLIAM HENRY HARRISON, late President of the United States.

G. S. WHARAM,

Secretary of the Typographical Society.

At a meeting of the Gold and Silver Artizans of this City, held at the York House, the undersigned were appointed delegates to confer with your Honorable Body, in relation to the funeral obsequies of our late Chief Magistrate. We would respectfully request that you would designate the position you wish us to occupy in the procession to be formed to pay the last tribute of respect to his remains. We will probably number about four hundred.

Signed.

WILLIAM GALE,
PULASKI JACKS,

HENRY J. HOYT, *to fill vacancy occasioned by the
resignation of B. W. Clapp.*

The Joint Committee on the Civic and Military Arrangements, shortly thereafter reported a Programme of Arrangements for the proposed solemnities, which was adopted and published under the direction of the Committee, as follows :

ARRANGEMENTS FOR THE
F U N E R A L O B S E Q U I E S
OF THE LATE
P R E S I D E N T H A R R I S O N .

The Joint Committee on the part of the Common Councils of the Cities of New York and Brooklyn, have agreed upon the following Programme of Arrangements for the funeral solemnities on the occasion of the death of

WILLIAM HENRY HARRISON,

President of the United States, to take place in the City of New York, on Saturday, 10th instant.

They have unanimously selected General **ROBERT BOGARDUS**, as Grand Marshal of the day, who has named the following gentlemen as his Aids :

PROSPER M. WETMORE,	SAMUEL D. JACKSON,
GILBERT HOPKINS,	WRIGHT HAWKES,
WM. SAMUEL JOHNSON,	JOHN D. VAN BUREN,
WILLIAM W. TOMPKINS,	THOMAS W. TUCKER,
JONATHAN AMORY,	A. DAVEZAC,
GARRET H. STRYKER,	GEORGE W. HEELAS,
JOHN A. MITCHELL,	MARCELLUS EELLS,
JOHN RIDLEY,	JOHN A. MORRILL,
GILES M. HILLYER,	GEORGE W. EMBREE,
HARMAN TEELE,	FLORENCE MAHONEY,
FREDERICK PENTZ,	RUFUS PRIME,
MINTHORNE TOMPKINS,	MARSHAL J. BACON,
MATTHEW KEELER,	JOHN D. JOHNSON,
WILLIAM M. McARDLE.	

General **JAMES E. UNDERHILL** has been appointed Marshal in Chief on behalf of the City of Brooklyn, who has designated the following gentlemen as his Aids:—Majors William Cumberson, J. B. Clapp, G. C. Ball, Captains J. G. Hegeman, Seth H. Low, J. C. Duryea, E. M. Smith, A. M. Greig, Messrs. I. N. Olney, E. M. Fisk, Joseph Van Nostrand, James Hubbard and Jacob Philip.

The Committee have agreed upon the following order of procession :

The procession will move from the City Hall at 12 o'clock noon, precisely, and proceed up Chatham street to East Broadway, up East Broadway to Grand street, through Grand street to the Bowery, up the Bowery to Fourteenth street, through Fourteenth street to Broadway, down Broadway to the front of the City Hall, from whence it will file off under the direction of the Grand Marshal.

The solemnities will be concluded as follows :

1. Prayer by the Rev. Dr. Cox, of the City of Brooklyn.
2. Funeral Oration by the Hon. **THEODORE FRELINGHUYSEN**, Chancellor of the University of the City of New York.
3. A Requiem written by George P. Morris, Esq.

4. Benediction by the Right Rev. Bishop Onderdonk.

The ceremonies to conclude with the firing of a volley by the United States troops on duty.

The whole under the command of the Grand Marshal.

The persons having charge of the different churches and fire alarm bells in the Cities of New York and Brooklyn, are requested to cause the bells to be tolled from the hour of 12 o'clock at noon, during the procession; and the owners and masters of vessels in the harbor, and the proprietors of public buildings, are requested to have their colors hoisted half-mast from sunrise to sunset. It is respectfully recommended also, that our fellow citizens close their places of business during the solemnities of the day, and that in the evening the places of public amusement be closed.

It is directed by the Committee that all public and licensed carriages and vehicles be withdrawn from the streets through which the procession is to pass. The Superintendents of Hackney Coaches, Stages and Carts, are charged with the enforcement of this order.

The owners of private carriages and vehicles, are also respectfully requested to conform to the wishes of the Committee in this respect.

The associations, societies and citizens, to whom places are assigned as above, are requested to appear on foot.

The Committee have unanimously resolved, that no banners bearing political devices or inscriptions, shall be admitted in the procession.

It is recommended that our fellow citizens, whether in the procession or not, wear the usual badge of mourning on the left arm.

The various societies, associations, and other bodies, are requested to assemble at such places as they may respectively select, and repair to the places of rendezvous designated in the annexed order.

The different divisions in the above programme, will be designated by a white banner, with the appropriate number of each in black.

The various civic societies will walk six abreast.

ORDER OF THE PROCESSION.

FIRST DIVISION.

GENERAL ROBERT BOGARDUS,

Grand Marshal.

PROSPER M. WETMORE, SAMUEL D. JACKSON, JOHN D. VAN BUREN, JOHN D. JOHNSON,	}	<i>Aids to the Grand Marshal.</i>
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The head of the column will be preceded and escorted by
the fine Light Infantry Company commanded by
CAPTAIN SAMUEL W. SEELY.

The following Military Corps will form the principal escort,
the whole being under the command of
Major General CHARLES W. SANDFORD.

Volunteer Brigade of Infantry,
commanded by Brigadier General

HENRY T. KIERSTED, composed of the following Corps:

First Light Infantry Regiment, commanded by Colonel

JOHN EWEN, of the 8th Regiment of the Infantry.

Second Light Infantry Regiment, commanded by Colonel

SAMUEL JONES MUMFORD, of the 252d
Regiment of Infantry.

Third Light Infantry Regiment, commanded by Major

TUTTLE, of the Washington Guards.

The Division of Artillery in the following order:

First Brigade, commanded by Acting Brigadier General

HENRY U. SLIPPER, consisting of the

Twenty-seventh Regiment,

Commanded by Colonel WILLIAM JONES.

Ninth Regiment,

Commanded by Lieutenant Colonel JAMES L. CURTIS.

Second Regiment,

Commanded by Colonel THOMAS F. PEERS.

Sixth Brigade, commanded by

General GEORGE P. MORRIS, consisting of the

Third Regiment,

Commanded by Major JOHN W. AVERY.

Thirty-eighth Regiment,

Commanded by Colonel ANDREW WARNER.

Eleventh Regiment,

Commanded by Colonel GEORGE SMITH.

Thirteenth Regiment,
Commanded by Colonel ALEXANDER MING, Jun.
First Horse Brigade,
Commanded by Brigadier General STORMS.
Second Regiment,
Commanded by Colonel HAYWARD, of Westchester.
First Regiment,
Commanded by Colonel JOHN STEWART.
Major General CHARLES W. SANDFORD, Commanding the
Division of Artillery and Staff,
Military of the City of Brooklyn,
A Battalion of Light Infantry,
Under the command of Colonel TOLFORD.

SECOND DIVISION.

GILBERT HOPKINS, Aid to the Grand Marshal.
Officiating Clergymen and Orator of the Day,
in a Carriage.
The Reverend the Clergy.
Major General SCOTT, Commanding the Military
District, and Aids.
Commodore J. RENSHAW, Commanding the
Naval Station, and Aids.
Major General GEORGE S. DOUGHTY, Commanding the
Infantry on Duty.
Band of Music.
A Detachment of United States Marines, under
Command of Captain HARRIS, U. S. A.,
as a Guard of Honor.



FUNERAL URN,

Borne by Sailors of the Navy of the United States, and who
have served on Board the Frigate
Constitution,

Under command of Commander SANDS.

A Detachment of the United States Army, under
Command of Captain DIMMICK, U. S. M. C.,
as a Guard of Honor.

HORSE,

Caparisoned, and led by WILLIAM L. NICHOLAS,
an aged Servant of the Deceased President.

The following persons as *Pall Bearers*, (twenty-six in num-
ber, corresponding with the number of States,)
in Carriages, viz.:

Peter R. Livingston,	John W. Hardenbrook,
Major William Popham,	John De Camp,
Stephen Allen,	Isaac Lawrence,
Aaron Clark,	Major Shute,
Cornelius W. Lawrence,	Edward Taylor,
Walter Bowne,	Philip Hone,
Chancellor Kent,	George Griffen,
Abraham Leggett,	Sylvanus Miller,
John Targee,	John I. Morgan,
Peter A. Jay,	Leffert Lefferts,
John Wyckoff,	Jeremiah Johnson,
Daniel Winship,	William Furman,
Peter Bonnett,	Robert Bach.

Brooklyn.

Mayor and Acting Mayor of New York.
Mayor of Brooklyn, and

MARTIN VAN BUREN, Ex-President of the United States,
and Suite, in Carriages.

The Common Councils of the Cities of New York and
Brooklyn, as Mourners, in the following
Order, viz.:

The Board of Aldermen, preceded by their Sergeant-at-Arms,
Headed by the President.

The Board of Assistants, preceded by their Sergeant-at-Arms,
Headed by their President.

The Officers of both Boards.

The Common Council of the City of Brooklyn, preceded by
their Sergeant-at-Arms, headed by their
President.

The Officers of the Common Council of Brooklyn.

THIRD DIVISION.

JONATHAN AMORY, *Aid to the Grand Marshal.*

Governor and Lieutenant Governor of the State of
New York.

Heads of Departments of the State.

The Senate of the State.

House of Assembly of the State.

Members of the Senate and House of Representatives of the
United States.

Society of the Cincinnati.

Revolutionary Soldiers.

Ex-Mayors, Ex-Aldermen and Ex-Assistants of the Cities of
New York and Brooklyn.

Heads of Departments of the City Government.

FOURTH DIVISION.

WM. SAMUEL JOHNSON, *Aid to the Grand Marshal.*

Foreign Ministers and Consuls in carriages.

Ex-Members of Congress and of the

State Legislature.

The Judges of the United States, State and City Courts.

Members of the Bar.

FIFTH DIVISION.

MARSHALL J. BACON, *Aid to the Grand Marshal.*

The Sheriff of the City and County of New York, and
Under Sheriff and Deputies, with their Staves
of Office.

The Marshal of the United States and his Deputies.

The Register, County Clerk and Coroner.

Police Magistrates and Officers, with their Staves.

SIXTH DIVISION.

WM. W. TOMPKINS, *Aid to the Grand Marshal.*

Officers of the Army and Navy.

Militia Officers off duty.

Collector, Naval Officer and Surveyor of the Port, and
all other Civil Officers of the United States and
State of New York.

SEVENTH DIVISION.

FREDERICK PENTZ, *Aid to the Grand Marshal.*

Fire Department of the City of New York.
Exempt Firemen.

EIGHTH DIVISION.

WRIGHT HAWKES, *Aid to the Grand Marshal.*

The Grand Lodge of the State of New York.
The Independent Order of Odd Fellows.

NINTH DIVISION.

JOHN W. EDMONDS, *Aid to the Grand Marshal.*

The President, Trustees, Faculty and Students of
Columbia College.

The President, Faculty and Students of the University.
College of Physicians and Surgeons.

Medical Society, Physicians and Medical Students.

Teachers and Pupils of the Grammar Schools of Columbia
College and of the University.

College of Pharmacy.

United States' Naval Lyceum.

American Academy of Fine Arts.

National Academy of Design.

Apollo Association.

Chamber of Commerce.

Board of Trade.

TENTH DIVISION.

JOHN RIDLEY, *Aid to the Grand Marshal.*

Teachers and Pupils of several Public Schools, and other
Seminaries of Learning.

ELEVENTH DIVISION.

GEORGE W. HEELAS, *Aid to the Grand Marshal.*

A Division of United States' Seamen, and the Pupils of the United States Naval School, under command of Captain J. T. Newton, and Aids.

TWELFTH DIVISION.

MINTHORNE TOMPKINS, *Aid to the Grand Marshal.*

Tammany Society, or Columbian Order.

Democratic Whig General Committee, and Democratic Republican General Committee. The two bodies to form in parallel columns, headed by their respective Officers; and between them a Corps of Young Men from the Tenth ward, bearing the flags of the Twenty-six States.

THIRTEENTH DIVISION.

WILLIAM MCARDLE, *Aid to the Grand Marshal.*

BAND.

Escort, Company of PULASKI CADETS,

Commanded by Lieutenant E. W. BURR.

The General Committee of Democratic Whig Young Men, the Democratic Republican Young Men's General Committee. The two bodies to form in parallel columns, headed by their respective officers; and between them a Corps of Young Men, bearing the flags of the several States.

FOURTEENTH DIVISION.

GARRET H. STRYKER, *Aid to the Grand Marshal.*

Central Democratic Republican Committee of the Tippecanoe, and other Harrison Associations, headed by their President, JAMES N. REYNOLDS.

The Miami Club.

Unionists' Association.

FIFTEENTH DIVISION.

General UNDERHILL, of Brooklyn, Marshal in Chief on behalf of the City of Brooklyn, and
Aid to the Grand Marshal.

The Civic Procession from the City of Brooklyn.
The Procession from the Village of Williamsburgh.

SIXTEENTH DIVISION.

JAMES McCULLOUGH, *Aid to the Grand Marshal.*

The St. George's Benevolent Society.

The St. Andrew's Benevolent Society.

The St. David's Benevolent Society.

German Benevolent Society.

French Benevolent Society.

Italian Benevolent Society.

The Society of the Friendly Sons of St. Patrick.

The New England Society.

The St. Nicholas' Society of the City of New York.

SEVENTEENTH DIVISION.

A. DAVIZAC, *Aid to the Grand Marshal.*

The Hibernian Benevolent Society.

The Shamrock Benevolent Society.

The Hibernian Benevolent Burial Society.

EIGHTEENTH DIVISION.

MARCELLUS EELLS, *Aid to the Grand Marshal.*

American Institute.

Mechanics' Institute.

Typographical Society.

Benevolent Association of Bookbinders.

NINETEENTH DIVISION.

JOHN A. MORRILL, *Aid to the Grand Marshal.*

Leather Dressers' Society.

Benevolent Society of Shipwrights and Caulkers.

Smiths' Beneficial Society.

Gold and Silver Artizans.

TWENTIETH DIVISION.

MATTHEW KEELER, *Aid to the Grand Marshal.*

The Butchers of the City of New York and Brooklyn.

Cartmen of the City of New York.

TWENTY-FIRST DIVISION.

GILES M. HILLYER, *Aid to the Grand Marshal.*

Society Library Association.

American Lyceum.

Athenæum Association.

Mercantile Library Association, comprising over one thousand young men, with marshals of their own body.

American Society of Young Men.

New York Metropolitan Association.

New York Society of Letters.

TWENTY-SECOND DIVISION.

FLORENCE MAHONEY, *Aid to the Grand Marshal.*

General Society of Mechanics and Tradesmen,
instituted in 1785.

Readers at the Apprentices' Library.

Journeyman Tailors' United Benevolent Society.

Journeyman Stone Cutters' Association.

Trades Society of Journeyman Sailmakers.

TWENTY-FOURTH DIVISION.

GEORGE W. EMBREE, *Aid to the Grand Marshal.*

Wardens of the Port and Harbor Masters.

Marine Society.

Ship Masters and Mates of Vessels in Port.

Paul Jones' Parading Club.

TWENTY-FIFTH DIVISION.

RUFUS PRIME, *Aid to the Grand Marshal.*

Thistle Benevolent Society, preceded by
several bagpipes.

All Societies and Associations not above enumerated
in the order in which they shall
report themselves to the
Grand Marshal.

TWENTY-SIXTH DIVISION.

HARMAN TEELE, *Aid to the Grand Marshal.*
 Captains of the Watch and Watchmen.
 Lamplighters.

TWENTY-SEVENTH DIVISION.

JOHN A. MITCHELL, *Aid to the Grand Marshal.*
 Citizens of other States.
 Citizens of Brooklyn.
 Citizens of New York arranged by Wards.

The various military and civic bodies above enumerated, will assemble at 11 o'clock precisely, at the following places, preparatory to being brought into column :—

Officiating Clergymen, Orator of the Day, the Clergy, General Scott and Aids, and Commodore Renshaw and Aids, at No. 8 in the City Hall.

Mayors of New York and Brooklyn and ex-President, at No. 8 City Hall.

United States' Troops and Marines, at the west end of the City Hall.

Pall Bearers, at No. 8 City Hall.

Common Councils of New York and Brooklyn, at No. 8 City Hall.

Governor, Lieutenant Governor, Heads of Departments, Legislature of the State and Members of Congress, in the Mayor's office.

Society of Cincinnati, Revolutionary Soldiers, ex-Mayors and Members of the Common Councils of New York and Brooklyn, and Heads of Departments of the City Government, at No. 7 City Hall.

Foreign Ministers and Consuls, ex-Members of Congress and State Legislature, Judges of the Courts and Members of the Bar, at the Superior Court Room, west end.

Gentlemen included in the 5th Division, in the United States' Court Room.

Gentlemen included in the 6th Division, in the East Superior Court Room.

Gentlemen included in the 7th Division, in East Broadway, resting on Chatham square.

Gentlemen included in the 8th Division, in Murray street.

Gentlemen included in the 9th Division, at College Green.

10th Division, in the rear of the City Hall.

11th Division, in the Park, west end of the Hall.

12th Division, in front of Tammany Hall.

13th Division, in the rear of the Hall of Records.

14th Division, lower end of the Park.

15th Division, in front of the Hall of Records.

16th Division, in Warren street.

17th Division, in Church street, the right on Warren street.

18th Division, in Church street, on the left of the 17th Division.

19th Division, City Hall place.

20th Division, Beekman street, front of Clinton Hall.

21st Division, in Chambers street, between Centre and Chatham streets.

22d Division, in Spruce street.

23d Division, Brick Church walk, on Chatham street.

24th Division, in Barclay street.

25th Division, in Vesey street.

26th Division, in Vesey street, left of Division 25.

27th Division, in Chambers street.

ELIAS L. SMITH,

CALEB S. WOODHULL,

ABRAHAM HATFIELD,

EGBERT BENSON,

DAVID GRAHAM, Jun.,

ORVILLE J. NASH,

Committee Board of Aldermen.

WILLIAM L. WOOD,

JOHN A. UNDERWOOD,

EDWARD PENNY, Jun.,

HENRY E. DAVIES,

THOMAS F. PEERS,

JAMES POLLOCK,

Committee Board of Assistant Aldermen.

J. S. MARCH,

S. HART,

S. OAKLEY,

J. A. CROSS,

W. BURBANK,

Committee of Common Council of Brooklyn.

IN JOINT COMMITTEE OF THE COMMON
COUNCIL.

New York, April 9, 1841.

The Joint Committee of Arrangements add to their former programme the following particulars, which were accidentally omitted :

The closing ceremonies, consisting of the Prayer, Oration, Requiem and Benediction, will take place on the esplanade, in front of the City Hall, on the arrival of the rear of the procession.

The Requiem, written by General Morris, and Luther's Judgment Hymn, will be sung by the members of the New-York Sacred Music Society.

The United States' troops stationed at the different posts in the harbor, will fire minute guns from sunrise until noon.

The Veteran Corps, under the command of Capt. G. W. Chapman, will also fire minute guns on the Battery.

The Officers of the Army and Navy, off duty, will take post in the line on the right of the Sixth Division.

JOHN W. EDMONDS, Esq., *Aid to the Grand Marshal*, is assigned to the Ninth Division, in place of *Thomas W. Tucker, Esq.*, who is unable to act.

General MATTHEW KEELER, *Aid to the Grand Marshal*, will take command of the 19th Division, in place of Colonel *S. Jones Mumford*, elected Colonel of Light Infantry.

Uniformed Corps of Light Infantry organized into a Brigade under the command of Brigadier General Kiersted, consisting of three Regiments.

1st Regiment under the command of Colonel Ewen, of the 8th Regiment of Light Infantry.

2d Regiment under the command of Colonel Mumford, of the 252d of Infantry.

3d Regiment under the command of Major Tuttle, of the Battalion of Washington Guards.

Officers of the City Government, in the 3d Division, following the Heads of Departments.

Officers of the Courts, in the 4th Division, following the Members of the Bar.

The College of Pharmacy, of the City of New York, will take post in the 9th Division, following the Medical Students.

The St. David's Benevolent Society will take post in the 15th Division, following the St. Nicholas' Society.

John Turner, Esq., is selected as one of the Pall Bearers, in place of Richard Riker, Esq., who declines in consequence of severe lameness.

By order of the Committee.

ELIAS L. SMITH, *Chairman.*

JOHN A. UNDERWOOD, *Secretary.*

Your Committee also addressed the following communication to his Excellency the Governor of the State :

New York, April 7, 1841.

His Excellency Governor Seward :

Sir—The undersigned, a Committee on the part of the Common Councils of the Cities of New York and Brooklyn, have been instructed to invite your Excellency and suite, and through your Excellency the Heads of Departments of the State, to unite with them in the funeral solemnities, to take place in the City of New York, on Saturday next, the 10th instant, on occasion of the death of WILLIAM HENRY HARRISON, late President of the United States.

The Committee trust they may be permitted, in addition to the mere formal discharge of the duty assigned them, to express, in behalf of themselves and of the Bodies they represent, a strong and earnest desire that you may not find it incompatible with your public duties ; as they are satisfied it would be more grateful to your own feelings, on this melancholy occasion, to unite with them in an expression of

respect and gratitude, due alike to the public services, the private worth, and the exalted station of the lamented dead.

We have the honor to be, Sir,

Your Excellencies obedient Servants,

ELIAS L. SMITH,
 EGBERT BENSON,
 SAMUEL NICHOLS,
 D. GRAHAM, Jun.,
 ABRAHAM HATFIELD,
 ORVILLE J. NASH,
 WILLIAM L. WOOD,
 EDWARD PENNY, Jun.,
 JOHN A. UNDERWOOD,

In behalf of the City of New York.

J. S. MARCH,
 W. BURBANK,
 S. OAKLEY,
 J. A. CROSS,
 S. HART,

In behalf of the City of Brooklyn.

To which the following reply was received:

Albany, April 8, 1841.

Gentlemen—The communication by which, as a Committee of the Common Councils of the Cities of New York and Brooklyn, you have invited the Governor of the State, his suite, and the Heads of Departments, to unite in the funeral solemnities to be observed in the City of New York, on the occasion of the death of WILLIAM HENRY HARRISON, President of the United States, has been received.

Be pleased to tender to the Common Council our acknowledgments for this mark of their consideration, and to assure them, that, deeply affected by the sad event which has involved the nation in mourning, and entertaining a very high

respect for the Public Authorities and citizens of New York and Brooklyn, it would be very grateful to our feelings to accept their invitation.

The Legislature, however, having had this afflicting bereavement under consideration, and adopted suitable arrangements for celebrating funeral honors on the occasion; and the Municipal Authorities of this City having assigned a day for a similar observance, it seems most appropriate that the Officers of the State, resident here, should unite with the Legislature and their fellow citizens in the obsequies to be performed at this Capital.

We are, very respectfully,

Your obedient Servants,

WILLIAM H. SEWARD,
J. C. SPENCER,
JOHN A. COLLYER,
O. L. HOLLEY,
RUFUS KING.

(The Attorney General and the Treasurer
are absent from the city.)

The Honorable Elias L. Smith, Egbert Benson, Samuel
Nichols, D. Graham, jun., Abraham Hatfield, Orville
J. Nash, William L. Wood, Edward Penny, jun.,
and John A. Underwood,

Committee, &c., on behalf of New York.

The Honorable J. S. March, W. Burbank, S. Oakley, J.
A. Cross, and S. Hart,

Committee, &c., on behalf of the City of Brooklyn.

Your Committee also addressed the following communication to the President of the Senate of the State :

New York, April 7, 1841.

*Honorable Luther Bradish,
President of the Senate:*

Sir—The undersigned, a Committee on the part of the Common Councils of the Cities of New York and Brooklyn, have been instructed to invite the Senate of this State to unite with them in the funeral solemnities, to take place in the City of New York, on Saturday next, the 10th instant, on occasion of the death of WILLIAM HENRY HARRISON, late President of the United States.

In performing this melancholy, though grateful duty, the undersigned take occasion to add, that it would be most gratifying to those whom they represent, and to their fellow citizens, if the Honorable Body over which you preside were enabled to unite with them on this solemn occasion, in an expression of respect, due alike to the public services, the private worth, and the exalted station of the lamented dead.

We have the honor to be, Sir,

Your obedient Servants,

ELIAS L. SMITH,
EGBERT BENSON,
SAMUEL NICHOLS,
D. GRAHAM, Jun.,
ABRAHAM HATFIELD,
ORVILLE J. NASH,
WILLIAM L. WOOD,
EDWARD PENNY, Jun.,
JOHN A. UNDERWOOD,

On behalf of the City of New York.

J. S. MARCH,
W. BURBANK,
S. OAKLEY,
J. A. CROSS,
S. HART,

On behalf of the City of Brooklyn.

To this communication, no official reply has been received, but the following proceedings appear, from the State paper, to have been taken upon it in the Senate :

LEGISLATURE OF NEW YORK.

IN SENATE, APRIL 9, 1841.

Prayer by the Rev. Mr. LEVINGS.

An invitation was received from the Joint Committee of the Common Councils of New York and Brooklyn.

Mr. Taylor reported on the communication from the Joint Committee of the Common Councils of the City of New York and Brooklyn, and submitted the following resolution, which was unanimously adopted :

Resolved, That the President of the Senate be requested to respond in suitable terms to the invitation of the Common Councils of the Cities of New York and Brooklyn, to unite with them in the funeral solemnities to take place in the City of New York, on Saturday, the 10th instant, on occasion of the death of WILLIAM HENRY HARRISON, late President of the United States—to assure them of the deep sympathy of this body in the National bereavement—that the Senate have already made the appropriate arrangements for the funeral solemnities on this mournful occasion, and that their public duties deny to them the opportunity of mingling their condolence with their fellow citizens of New York and Brooklyn.

On motion of Mr. H. A. Livingston, it was resolved that when the Senate adjourns, it adjourn to meet on Monday morning at 10 o'clock.

On motion of Mr. Lee the Senate then adjourned.

A similar communication was addressed to the Speaker of the House of Assembly, from whom the following reply was received.

ASSEMBLY CHAMBER,

Albany, April 9, 1841.

GENTLEMEN—

Your note of the 7th instant, transmitting an invitation to the House of Assembly, to join their fellow citizens of New

York and Brooklyn, in the funeral solemnities on occasion of the death of WILLIAM HENRY HARRISON, late President of the United States, has been received and laid before the House.

The House having, prior to the receipt of your invitation, had such action as a body in relation to this solemn event, as they deemed advisable, have not thought it expedient to take, officially, any further order thereupon; and have therefore directed me most respectfully to decline your invitation.

I am respectfully,

Your obedient servant,

P. B. PORTER, *Speaker.*

*To Messrs. Elias L. Smith, Egbert Benson, }
Samuel Nichols, and others. }*

Committee on behalf of the Citizens of New York.

*J. S. March, W Burbank, }
S. Oakley, and others, }*

Committee on behalf of the Citizens of Brooklyn.

The arrangements which were proposed by the Committee were carried out, as appears by the following official report from the Grand Marshal, with the exception of the delivery of the Oration, which was necessarily dispensed with, in consequence of the inclemency of the weather :

SIR—I have the honor of reporting to the Committee of the Honorable the Common Council of the City of New York, a detailed account of the execution of the Programme of Arrangements adopted by the Committee, and submitted to be carried out under my orders, with the assistance of such Aids as I might deem proper to select for the purpose. It will be perceived, that the names of several gentlemen appeared attached to Divisions in the early publication of the programme, whose names do not appear in the execution—the discrepancy was owing to the inability of those first selected to do duty—others will immediately be selected whose names appear at the head of the Divisions. Permit me to assure you that if the execution of the Programme of Ar-

rangements of the Funeral Obsequies in honor of the late WILLIAM HENRY HARRISON, President of the United States, meet the Committee's approval, the credit of the execution is due to the Aids selected.

I am respectfully yours,

ROBERT BOGARDUS,

Grand Marshal.

To ELIAS L. SMITH, Esq.,

Chairman, &c.

FUNERAL OBSEQUIES

*In honor of the late WILLIAM HENRY HARRISON,
President of the United States.*

Civic and Military Procession.

Under the direction of the Joint Committees of the Common Councils of New York and Brooklyn, a Programme of Arrangements was prepared, and its execution confided to the direction of GEN. ROBERT BOGARDUS, as *Grand Marshal*.

The following gentlemen were selected as Aids to the Grand Marshal :

PROSPER M. WETMORE,
GILBERT HOPKINS,
WM. SAMUEL JOHNSON,
WILLIAM W. TOMPKINS,
JONATHAN AMORY,
GARRET H. STRYKER,
JOHN A. MITCHELL,
JOHN RIDLEY,
GILES M. HILLYER,
HARMAN TEELE,
FREDERICK PENTZ,
MINTHORNE TOMPKINS,
MATTHEW KEELER,
WILLIAM M. McARDLE,

SAMUEL D. JACKSON,
WRIGHT HAWKES,
JOHN D. VAN BUREN,
JOHN W. EDMONDS,
A. DAVEZAC,
GEORGE W. HEELAS,
MARCELLUS EELLS,
JOHN A. MORRILL,
GEORGE W. EMBREE,
FLORENCE MAHONEY,
RUFUS PRIME,
MARSHAL J. BACON,
JOHN D. JOHNSON,
JAMES McCULLOUGH.

At a meeting of the Civic Staff, held at the Mayor's Office in the City Hall, on Thursday, the 8th instant, the Grand Marshal in the Chair, *Samuel D. Jackson*, and *John D. Van Buren*, acting as Secretaries, it was unanimously

Resolved, That the following dress and equipments be adopted by the Staff:—

Black dress throughout.

Chapeaux without ornament, trimmed with crape.

Scarf of black satin and crape.

Crape knot on the left arm.

Dress sword, with steel mounting, scabbard covered with black velvet, and hilt with crape mourning knot.

Black silk gloves—steel spurs.

Black saddle cloth, trimmed with deep fringe, and cord festooned in front.

Russet bridle, with black fringe and crape knots on the foretop and nose piece.

The following preliminary order was issued by the Grand Marshal:—

FUNERAL OBSEQUIES.

GENERAL ORDER.

City Hall, April 9th, 1841.

The Aids to the Grand Marshal will assemble at the Assistant Vice Chancellor's room, City Hall, on Saturday morning, at 30 minutes past 9 precisely.

The Grand Marshal will receive his Staff, at his quarters, No. 501 Broadway, at 10 o'clock precisely.

It is expected that the Staff will be punctual in attendance.

By order.

ROBERT BOGARDUS,
Grand Marshal.

S. D. JACKSON, *Sec'y.*

The various public bodies, associations and societies, assembled in large numbers, at an early hour, in accordance with the published arrangements of the Joint Committees.

Precisely at the hour indicated in the programme of arrangements, all the civic societies, public associations, and invited guests, were in readiness to commence the movement. The several Aids, heretofore named, having charge of the various divisions, promptly reported to the Grand Marshal, and the procession moved forward in the order prescribed in the preceding programme.

The movement commenced by the passage of the military escort, preceded by the *Grand Marshal*, from Broadway, in front of the City Hall, through Chatham street.

The URN was placed on a bier in front of the Hall, and received the funeral honors of the corps on the March. When the first division had passed, the urn was borne to its station in the second Division, under an Escort of Marines, and followed by a WHITE STEED, caparisoned in full mourning equipments.

The route of the procession was through Chatham street, East Broadway, Grand street, the Bowery, Fourteenth street and Broadway, to the Park, at which place it arrived about five o'clock, P. M.

Upon the arrival of the head of the procession at the Park, the military escort were formed in line on Broadway, and reviewed by the Grand Marshal. Each Division, as it reached the Park, was reviewed, and placed under the sole direction of the Aid by whom it was led. This deviation from the original programme became necessary in consequence of the severe inclemency of the weather.

Several Divisions filed into the Park, and witnessed the closing of the ceremonies in front of the Hall, where a requiem was sung by the Sacred Music Society.

The solemnities were opened by prayer by the Reverend Doctor Cox, of the City of Brooklyn, and closed by a benediction from the Right Reverend Bishop Onderdonk.

The delivery of the contemplated funeral oration, by the

Honorable *Theodore Frelinghuysen*, Chancellor of the University, was prevented by the state of the weather.

The bells of the various churches in New York and Brooklyn were tolled during the movement of the procession: all the vessels in port wore their flags at half-mast, from sun-rise to sun-set; minute guns were fired by corps especially designated for that purpose; various public buildings, and many private residences, on the route of the procession, were appropriately decorated with the insignia of mourning.

The various military orders issued by the Commander-in-Chief, and the Officers in command of the several Divisions in this city, will appear in another place.

At a meeting of the Civic Staff, held at the Mayor's Office, City Hall, on Friday, the 16th instant, in the absence of General *Bogardus*, the Grand Marshal, *William Samuel Johnson, Esq.*, was called to the Chair, *Samuel D. Jackson* acting as Secretary, the following resolutions were submitted by *Prosper M. Wetmore*:

Resolved, That the cordial acknowledgments of the Corps of Aids are due to General *Robert Bogardus*, Grand Marshal of the Procession, for the urbanity and courtesy which distinguished his intercourse with the Civic Staff, on the recent occasion of rendering funeral honors to the memory of the late President of the United States; and also for his prompt, energetic and efficient conduct in the discharge of his official duties, evinced in the fact that the entire civic procession was in readiness to move at the precise moment indicated in the programme of arrangements.

Resolved, That a copy of the preceding resolution be transmitted to General *Bogardus*.

Extract from the Minutes.

WILLIAM SAMUEL JOHNSON,

Chairman.

S. D. JACKSON, *Secretary.*

At a meeting of the Civic Staff, held as above, the Grand Marshal in the Chair, it was

Resolved, That the Staff nnanimously return their thanks to the Joint Committee of the Honorable the Common Council, for the liberality of their arrangements, and for their prompt and courteous attention to the wishes of the Civic Staff.

ROBERT BOGARDUS,
Chairman.

Extract from the Minutes.

S. D. JACKSON, *Secretary.*

The following is the Requiem referred to in the above report of the Grand Marshal, which was written by *George P. Morris, Esq.*, and sung at the conclusion of the ceremonies by the members of the New York Sacred Music Society :

Weep—for a spirit fled !—
The solemn word is spoken !—
Weep—for the silver-thread
And golden-bowl are broken !
A warrior lived—a Christian died !—
Sorrow should slumber in our pride !

Go—bring his battle-blade !
His helmet and his plume !
And be his trophies laid
Beside him in the tomb !
Where files of time-marked veterans come,
With martial tramp and muffled drum.

Give to the earth his frame !
'T was born but to decay :—
Not so his deathless name !
That cannot pass away !
In youth, in manhood, and in age,
He dignified his country's page.

Green be the willow-bough
Above the swelling mound,
Where sleeps the hero now
In consecrated ground.
His monument his fame endears—
His epitaph—a nation's tears.

Your Committee having been compelled by the state of the weather to dispense with the delivery of the Oration by the Hon. *Theodore Frelinghuysen*, have obtained from that gentleman a copy of the Oration, which, with the correspondence on the subject, is appended to this report.

Your Committee have thus discharged the melancholy though grateful duty assigned to them. They deem it unnecessary in conclusion to detain the Common Council by any remarks upon its character, or upon the considerations which its solemnity is so well calculated to suggest. They feel, however, that they would be wanting in their duty to their constituents, did they not acknowledge the promptness and alacrity, as well as the deep feeling of sympathy with which every portion of their fellow citizens have lent their co-operation in carrying out the proposed object. For a season, at least, the spirit of party was forgotten, and men of every shade of political sentiment vied with each other in rendering appropriate honors to the memory of the illustrious head of our Republic. The scene was full of material for reflection, and it is to be fondly hoped that its recollections may be hallowed by the prayer that, as in this instance, we have felt and acted as *one people*, we may even in the heat of party contentions not forget that we have a common interest in cherishing the memory of the great and good of our beloved country, and a common stake in the welfare and perpetuity of her institutions.

In conclusion, your Committee beg leave to express their thanks, and they doubt not those of the Common Council, to the Grand Marshal and his Aids, to the military, and civic bodies, and citizens who united with them, upon this melancholy and interesting occasion, for the efficiency with which the proposed arrangements were carried into execution, and for the readiness and alacrity with which they responded, in every instance, to the wishes of the Committee, in giving effect to this solemn and imposing pageant.

Respectfully submitted.

ELIAS L. SMITH,	EGBERT BENSON,
CALEB S. WOODHULL,	DAVID GRAHAM, Jun.,
ABRAHAM HATFIELD,	ORVILLE J. NASH,

Committee Board of Aldermen.

WILLIAM L. WOOD,	HENRY E. DAVIES,
JOHN A. UNDERWOOD,	THOMAS F. PEERS,
EDWARD PENNY, Jun.,	JAMES POLLOCK,

Committee Board of Assistant Aldermen.

BOARD OF ALDERMEN, APRIL 5, 1841.

PRESENT—Elijah F. Purdy, Esq., President.

ALDERMEN—Calvin Balis—Caleb S. Woodhull—Egbert Benson—Daniel C. Pentz—Robert Jones—James Ferris—Josiah Rich—Freeman Campbell—Abraham Hatfield—Elias L. Smith—Samuel Nichols—David Graham, Jun.—Peter Cooper—Orville J. Nash.

Alderman Nash moved that the reading of the minutes be dispensed with, which was adopted.

The following communication was then received from his Honor the Acting Mayor, informing the Board of the death of General WILLIAM HENRY HARRISON, late President of the United States :

MAYOR'S OFFICE, APRIL 5TH, 1841.

To the Board of Aldermen :

GENTLEMEN—It becomes my painful duty to announce to you the melancholy intelligence of the death of General WILLIAM HENRY HARRISON, late President of the United States : an event sudden, solemn and afflicting to the nation.

Of his services, civil and military, it is unnecessary for me to speak : they are identified with the history of our country.

I should do injustice to my own feelings, and to the station which I temporarily fill, were I not to partake of the general gloom that pervades the community, which mourns the loss of a Chief Magistrate, recently called from peace and retirement to preside over the destinies of a nation of freemen.

I respectfully suggest that such measures be taken as will evince the respect and affection due to one who has occupied so exalted a station, and shared so largely of the public confidence.

I am, with respect, gentlemen, yours, &c.

ELIJAH F. PURDY,

Acting Mayor.

The same having been read, Alderman Smith rose, and after making some appropriate and feeling remarks upon the melancholy intelligence communicated by his Honor the Acting Mayor, presented the following resolutions :

Resolved, If the Board of Assistant Aldermen concur, that the Common Council of the City of New York have received with deep emotion, the afflicting intelligence of the death of General WILLIAM HENRY HARRISON, President of the United States, and that while they sincerely sympathize with the family of the deceased upon the occasion of their sudden and melancholy bereavement, they cordially participate with their fellow citizens, throughout the country, in the grief which is felt at the loss of one who was endeared to the nation by the patriotism and fidelity of his public services, by the purity of his private character, and by the exalted station to which he had so recently been called by the voice of the American people.

Resolved, If the Board of Assistant Aldermen concur, that a suitable demonstration of respect for the memory of the late President, by the adoption of fitting solemnities, should be made by the public authorities and citizens of New York, and that a Committee of the Common Council, to consist of six members of each Board, be appointed to make such arrangements in that behalf as they may deem expedient.

Resolved, If the Board of Assistant Aldermen concur, that the Presidents of both Boards of the Common Council be requested to direct the chambers of their respective Boards to be hung with black, during the remainder of the term of the present Common Council, and that the members of each Board will wear the usual badge of mourning for the same period.

Resolved, If the Board of Assistant Aldermen concur, that his Honor the Acting Mayor be requested to communicate a copy of these resolutions to the afflicted family of the deceased, and to cause the same to be published in the newspapers of this City and of the City of Washington.

Alderman Benson rose, and after making some suitable remarks on the occasion, seconded the resolutions.

Alderman Graham made some appropriate remarks on the melancholy event; after which, the resolutions were unanimously adopted, and the President appointed Aldermen Smith, Benson, Nash, Graham, Hatfield and Woodhull, such Committee on the part of this Board, and the same were directed to be sent to the Board of Assistant Aldermen for concurrence.

The Board then adjourned.

BOARD OF ALDERMEN.

SPECIAL MEETING, APRIL 10, 1841.

PRESENT—Egbert Benson, Esq., President pro tem.

ALDERMEN—Calvin Balis—Caleb S. Woodhull—Daniel C. Pentz—Robert Jones—James Ferris—Josiah Rich—William Chamberlain—Freeman Campbell—Abraham Hatfield—Nathaniel Jarvis—Elias L. Smith—Samuel Nichols—David Graham, jun.—Peter Cooper—Orville J. Nash.

The President of the Board being absent, on motion of Alderman Smith Alderman Benson was appointed President pro tem., who, on taking the Chair, stated the object of the meeting.

On motion, the reading of the minutes was dispensed with.

Alderman Smith, Chairman of the Joint Committee of Arrangements, reported the following programme of arrangements for funeral solemnities in honor of the late President, WILLIAM HENRY HARRISON, (see page 984,) which was adopted.

Alderman Smith moved that the Board now join the fune-

ral procession, which was adopted, whereupon the Board took a recess for that purpose.

The ceremonies having ended agreeably to the programme, (except the prayer, oration and benediction, which were deferred on account of the unfavorableness of the weather,) the members returned to their chambers, all present as before, and resumed in order of business.

A motion was made that the Board adjourn, which was adopted.

SPECIAL MEETING.

BOARD OF ASSISTANT ALDERMEN.

Monday, April 5, 1841.

PRESENT—Fredrick R. Lee, Esq., President, in the Chair; Messrs. Peers, Underwood, Halsey, Adams, O'Neil, Wood, Vandervoort, Leonard, Ward, Penny, Bradhurst, Westervelt, Spader, Davies, and Pollock; who, on the call of the roll, severally answered to their names.

The President arose and addressed the Board as follows:

But a few short months since, it became my painful duty to announce to you the decease of one of our associates, the Assistant Alderman of the First Ward; who, at a good old age, finished his course on earth, and I trust is now receiving the reward of a well spent life, in a brighter and better world.

Scarcely has the gloom which then pervaded this Board been dispelled, before we are again called upon to mourn the loss of the Chief Magistrate of these United States. WILLIAM HENRY HARRISON is now no more! Elevated as he was, to the highest office in the gift of the People, melancholy indeed is the reflection, that after the short period of one month from his inauguration to the most important situ-

ation in the world, millions of free and independent people are called upon to mourn his death. This sudden bereavement has cast a gloom throughout the nation, which time alone can eradicate. Unexpected as is the event, the only consolation left to his friends is, that their loss is his eternal gain. The last moments of his life were marked by calmness and resignation to the Divine will. He died, as a Christian should die, trusting in the promises of the Gospel, and relying upon the merits of a once crucified, but now ascended Saviour. He died actively engaged in the public service, closing his mortal labors as the President of the people, appointed by their free election. In his life he was patriotic and useful, and in his death expressed a fervent desire for the preservation of the principles of the Constitution.

This is the first instance since the formation of our Government, that the people have been called upon to mourn the loss of the great head of the nation. An overruling Providence has thought proper, for some wise purpose, thus to afflict us. "Mysterious are thy ways, oh God! and past finding out."

He whose death we now deplore, after serving his country year after year, both in the battle field and in the Councils of the Nation, at a period of life when men are usually desirous of retiring from public duties, when nearly three score years and ten had laid their burdens on his frame, he stood ready, at his country's call, to take command of a nation that is respected throughout the world; to guide and direct it in the defence of liberty and order. Justly may he be venerated and respected, and justly may his death be universally deplored. With us, indeed, it would be a disgrace did we not evince our respect for his character and our gratitude for his services: many did it while their friend was living, and I trust that all will show their attachment to the acknowledged head of the government, on the sad occasion of his death. He has gone to that "bourne from whence no traveller returns." The tidings of grief will resound throughout

our land ; every city, town and county will re-echo the note of sadness, and will unite in their condolence with the family of the illustrious dead. They indeed need our sympathies and prayers—the aged partner of his bosom, who shared with him his sorrows and his joys ; who fondly anticipated meeting him, surrounded by a retinue of friends ; but, ah ! how changed the scene ! the solemn mandate has gone forth—they meet no more ! until the second coming of the Redeemer, in glorious majesty, to judge the world. He has now rested from his labors, and his best eulogium is the universal grief of the American people.

But I have done, and would only add, that I have convened the Board at this time, in order to enable you to adopt such measures as you may deem necessary upon this mournful occasion.

The following message was then received from the Acting Mayor, through his Clerk, John Ahern, Esq. :

MAYOR'S OFFICE, APRIL 5, 1841.

To the Board of Assistant Aldermen :

GENTLEMEN—It becomes my painful duty to announce to you the melancholy intelligence of the death of General WILLIAM HENRY HARRISON, late President of the United States ; an event sudden, solemn, and afflicting to the nation.

Of his services, civil and military, it is unnecessary for me to speak : they are identified with the history of our country.

I should do injustice to my own feelings, and to the station which I temporarily fill, were I not to partake of the general gloom which pervades the community, which mourns the loss of a Chief Magistrate, recently called from peace and retirement, to preside over the destinies of a nation of freemen.

I respectfully suggest that such measures be taken as will

evinced the respect and affection due to one who has occupied so exalted a station, and shared so largely of the public confidence.

I am, with respect, gentlemen, yours, &c.,

ELIJAH F. PURDY,

Acting Mayor.

The message having been read, the following resolutions were received from the Board of Aldermen :

Resolved, (If the Board of Assistant Aldermen concur,) that the Common Council of the City of New York have received, with deep emotion, the afflicting intelligence of the death of General WILLIAM HENRY HARRISON, President of the United States ; and that while they sincerely sympathise with the family of the deceased, upon the occasion of their sudden and melancholy bereavement, they cordially participate with their fellow citizens throughout the country, in the grief which is felt at the loss of one who was endeared to the nation by the patriotism and fidelity of his public services, by the purity of his private character, and by the exalted station to which he had so recently been called by the voice of the American people.

Resolved, (If the Board of Assistant Aldermen concur,) That a suitable demonstration of respect for the memory of the late President, by the adoption of fitting solemnities, should be made by the public authorities and citizens of New York ; and that a Committee of the Common Council, to consist of six members of each Board, be appointed to make such arrangements in that behalf as they may deem expedient.

Resolved, (If the Board of Assistant Aldermen concur,) that the Presidents of both Boards of the Common Council be requested to direct the chambers of their respective Boards

to be hung with black, during the remainder of the term of the present Common Council, and that the members of each Board will wear the usual badge of mourning for the same period.

Resolved, (If the Board of Assistant Aldermen concur,) that his Honor the Acting Mayor be requested to communicate a copy of these resolutions to the afflicted family of the deceased, and to cause the same to be published in the newspapers of this city and of the City of Washington.

Adopted by the Board of Aldermen, and Aldermen Smith, Benson, Nash, Graham, Hatfield and Woodhull appointed the Committee on the part of that Board.

Unanimously concurred in, and Messrs. Wood, Davies, Pollock, Peers, Underwood and Penny appointed the Committee on the part of this Board.

On motion, the Board adjourned; and the President announced that this board stood adjourned until Monday, the 12th instant, at 5 o'clock, P. M.

EDWARD PATTERSON, *Clerk*.

SPECIAL MEETING.

BOARD OF ASSISTANT ALDERMEN.

Monday, April 10, 1841.

PRESENT—Frederick R. Lee, Esq., President, in the Chair; Messrs. Peers, Underwood, Halsey, Adams, O'Neil, Wood, Vandervoort, Leonard, Ward, Penny, Bradhurst, Westervelt, Spader, Davies, and Pollock; who, on the call of the roll, severally answered to their names.

The Committee appointed to make arrangements for the funeral obsequies of the late President, presented the programme, prepared by the Joint Committees, which was accepted and ordered to be entered on the minutes. (See p. 984.)

On motion of Mr. Adams, the Board then resolved to unite in the funeral procession of the late President, and thereupon took a recess for that purpose.

The ceremonies having been performed agreeably to the preceding programme, excepting the prayer, oration and benediction, which were deferred in consequence of the unfavorable state of the weather, the members returned to their chamber, all being present as before, and resumed business, and a motion being made that the Board do now adjourn, the same was carried, and the President announced that this Board stood adjourned until Monday, the 12th instant, at 5 o'clock, P. M.

On motion, the Board adjourned; and the President announced that this Board stood adjourned until Monday, the 12th instant, at 5 o'clock, P. M.

EDWARD PATTERSON, *Clerk.*

BROOKLYN COMMON COUNCIL.

At a meeting of the Common Council of the City of Brooklyn, held on the 5th day of April, 1841, present his Honor the Mayor and a quorum of the Board;

The Mayor, in a very feeling address, officially announced to the Board the death of WILLIAM HENRY HARRISON, President of the United States.

Alderman March offered the following resolutions, which were unanimously adopted:

Resolved, That this Board have heard, with feelings of the deepest regret, the death of WILLIAM HENRY HARRISON, President of the United States.

Resolved, That a Committee of five be appointed by his Honor the Mayor, to recommend to this Board the adoption of such measures as may be proper and expedient on this occasion.

Aldermen March, Oakley, Hart, Cross and Burbank were appointed said Committee.

On motion the Board adjourned.

At a meeting of the Common Council of the City of Brooklyn, called at the request of the Special Committee appointed as aforesaid, held on the 7th of April, 1841, present his Honor the Mayor and a quorum of the Board,

Alderman March, Chairman of the Special Committee to make arrangements in-regard to the solemnization of the funeral obsequies of General HARRISON, made the following report, which, on motion, was unanimously adopted, and the proceedings of the Committee confirmed :

That acting in conformity with the understood wishes of the Board, they immediately met, in conjunction with appropriate Committees of the Honorable the Corporation of the City of New York, by whom they were most courteously received. The several Committees determined to act in the matter jointly, and accordingly agreed upon the resolutions dated April 6, 1841, signed by Elias L. Smith, Esq., the Chairman of the Joint Committees, and published in the daily papers.

The Committee further reported, that the mournful event was to be solemnized by a civic and military procession, on Saturday next; and that a funeral oration would be delivered in front of the City Hall, in New York.

The Committee further reported, that Aldermen March and Oakley were appointed members of the Joint Civic Committee, and that power was granted them to make such arrangements, on the part of the City of Brooklyn, as they might deem proper; that they acted upon the same by ap-

pointing General Underhill Grand Marshal of the City of Brooklyn, for the day of celebration, with power to confer with the different societies wishing to take part in the procession; to arrange the procession, and designate the line of march.

The Committee further reported, that Aldermen Cross and Burbank were appointed members of the Joint Committee to confer with the Military, and to make such arrangements as they might deem proper.

The Committee further reported, that the Reverend Doctor Cox, of this city, would open the services with prayer; the Honorable Theodore Frelinghuysen, Chancellor of the University of the City of New York, would deliver the Funeral Oration, and that the Right Reverend Bishop Onderdonk would conclude the services with a prayer and benediction.

The Committee further reported, that the Joint Committee were to meet on Thursday next, when the programme of the procession will be arranged, and of which due notice will be given.

Alderman March moved that the report be accepted, adopted, and placed on file; and also that their proceedings be confirmed, all of which were adopted. It was further

Resolved, That the members of the Common Council were the usual badge of mourning for sixty days, and that they recommend their fellow citizens to do the same.

His Honor the Mayor informed the Board that he had issued the following proclamation:

Whereas, By the dispensation of an *All-wise Providence*, the Chief Magistrate of these United States has recently departed this life; and

Whereas, It is the acknowledged duty of a Christian peo-

ple, as Christians, as patriots and as citizens, to respect the Chief Officer of the nation while in life; to pay a suitable respect to his memory when dead, and to make a right improvement of such dispensation of Providence, I do therefore most respectfully recommend to the Churches of all denominations in this city, to dress their pulpits, and other parts of their places of worship at discretion, in suitable mourning, on the next Sunday, the 11th instant; and request the Clergymen to make the services on that day appropriate to the occasion as circumstances and their convenience will permit.

Given under my hand, and Mayoralty Seal of the City of Brooklyn, this 8th day of April, A. D. 1841.

C. P. SMITH.

*Office of the Clerk of the Common Council }
of the City of Brooklyn. }*

I do hereby certify that the foregoing is a true transcript from the minutes of the proceedings of the Common Council of the City of Brooklyn.

A. VAN NOSTRAND, *Clerk.*

ORDER OF THE BROOKLYN PROCESSION

On the occasion of the solemnization of the funeral obsequies to the memory of WILLIAM HENRY HARRISON, late President of the United States.

The line was formed on Sands street, right resting on Fulton street, on Saturday, April 10th, 1841, at half-past 10 o'clock, A. M., by Gen. *James E. Underhill*, Grand Marshal, assisted by the following gentlemen as Aids:

Major WILLIAM CUMBERSON.

Major JOSEPH B. CLAPP.

Major GEORGE C. BALL.

Capt. J. C. Hegeman,
Capt. Edward S. Smith,
Capt. Charles J. Blagrove,

Capt. Seth H. Low,
Capt. John C. Duryea,
Capt. A. M. Greig.

Messrs. James N. Olney,
Joseph Van Nostrand,
Samuel N. Engle,
Henry I. Hadden,

Edward W. Fisk,
Peyton A. Southall,
Thomas H. Redding,
James Hubbard,

in the following order :

FIRST.

Grand Marshal.

Six Aids—three abreast.

SECOND.

The Marine Corps of the United States Navy, under
command of Captain Harris.

THIRD.

Officers of the United States Navy.

FOURTH.

Seamen who have served on board of the United States
ship Constitution, and other sailors under command of Cap-
tains Newton and Sands.

FIFTH.

Naval Apprentices, under command of Captain Gallagher.

SIXTH.

Two Aids.

Officers of the 44th Brigade off duty,
Captain Birkbeck's company of Nassau Guards,

Captain Smith's company of Jamaica Volunteers,
 Captain Bennet's company of Hemstead Cadets,
 Captain Pierson's company of Brooklyn Light Guards,
 Under command of Colonel Robert Tolford.

SEVENTH.

Two Aids.

Mayor and Common Council of the City of Brooklyn,
 preceded by their Sergeant-at-Arms.

EIGHTH.

Sheriff of the County of Kings, his Deputies, and the
 Marshals of the City.

NINTH.

Judges of the City and County.
 Clerks of Courts and Members of the Bar.
 Hamilton Literary Association.

TENTH.

Two Aids.

Fire Department.

ELEVENTH.

Two Aids.

Rope Maker's Benevolent Society.
 Watchmen's Benevolent Society.

TWELFTH.

Two Aids.

Erin Fraternal Benevolent Society.

THIRTEENTH.

Aid.

Civic Procession of the Village of Williamsburgh.

FOURTEENTH.

Citizens of Brooklyn.

The whole (consisting of about four thousand persons) then took up the line of march, passing down Fulton street to Hicks street, up Hicks street to Pierpont street, through Pierpont street to Atlantic street, down Atlantic street to the South Ferry, where three of the large boats of the Union Ferry Company were in attendance, on board of which the procession embarked for New York, and were safely landed at the foot of Whitehall street.

The line was again formed in the original order, and marched up Broadway to the Park—when each division received its proper post in line, under General *Robert Bogardus*, Grand Marshal.

J. E. UNDERHILL,

Grand Marshal.

New York, April 13, 1841.

Sir—On behalf of the Joint Committees of Arrangement for funeral solemnities in honor of the late President of the United States, we have to request, for publication, a copy of the oration prepared by you for the occasion, and which the exceedingly inclement state of the weather prevented you delivering in the order announced in the programme of the Committee. We are instructed to say, the Committee deeply regret the occurrence which deprived them of the pleasure of hearing it personally delivered, and which has also caused so general a disappointment.

With great respect,

Your obedient servants,

ELIAS L. SMITH,

DAVID GRAHAM, Jun.,

JOHN A. UNDERWOOD,

Committee, &c.

HON. THEODORE FRELINGHUYSEN,

Chancellor University, N. York,

25 Washington Place.

New York, April 17, 1841.

Gentlemen—On my return to the city this morning, I received your favor of the 13th instant, requesting a copy of the oration prepared for the occasion of the funeral solemnities in honor of the late President of the United States. As it was prepared at the request of the Joint Committees of the Councils, I cheerfully comply with your wishes, and will have a copy made out on Monday.

Very respectfully, Gentlemen,

Your obedient servant,

THEO. FRELINGHUYSEN.

*To Elias L. Smith, David Graham, Jun., }
and John A. Underwood, Esquires, }*

On behalf of the Committee, &c.

ORATION.

ORATION.

FELLOW CITIZENS—

The mournful occasion that has assembled us, is of surpassing interest and solemnity. Other bereavements are afflicting to our domestic and social relations, but this sudden and lamented death of our Chief Magistrate spreads a wider desolation, and awakens a nation's sympathies. Not a heart but felt the shock, nor a face that did not turn sad at the tidings. So much of interest and animation, of excitement and agitation, had prepared the way for his elevation, that the public mind had no place for forebodings or sober fears; and when in the midst of all the hopes that were cherished, after one short month, the blow fell, it made the nation tremble.

And, moreover, in the history of Divine Providence towards the executive officers of our government, there had been such uninterrupted benignity, that we were the more disposed to repress every apprehension. For while the messenger of death has thrown his darts among all other departments of society, never, until now, have we been called to render funeral honors to a deceased President. All around him, in the House of Representatives, the Senate and the Seat of Justice, victims had fallen, but the executive mansion had been spared. Perhaps the thought was rising into a measure of confidence that this exalted station was invested with peculiar immunities—that a mark so lofty would not range with the aim of the arrow. To-day, that illusion has vanished, and the charm is broken. We are shown with most impressive solemnity, that even there, where a nation's hopes are treasured up, there to fulfil the inscrutable purposes of infinite wisdom, death will make impartial visitation.

It becomes us my fellow citizens to mourn at this melancholy bereavement. God has spoken to us with loud and monitory emphasis. The standard bearer has fallen; He by whom kings and rulers govern—He who putteth down one and setteth up another, has inflicted the blow, and it behoves us to bow before Him, with adoring submission and humility of spirit; to make confession of our sins and implore his clemency, that mercy may rejoice against judgment.

It is wise for us thus to pause from the avocations of business, and ponder the lesson that is read to us—to inquire into the causes, to trace all the lines of this dispensation, and each devoutly commend its instruction to his own heart.

It is full of meaning. At a time of deep interest in the foreign relations of our country, when a collected and steady hand was never more needed—that hand is palsied in death. Let us realize our dependance on infinite goodness, when the thought comes over us, should other kindred dispensations follow, (and they do not always come alone,) what distraction, confusion and dismay might afflict our public councils: but I forbear—"In the day of adversity let us consider."

It is due to the memory of our venerable President, that we notice his personal history and character. He was born in Virginia in 1773. The time of his birth was auspicious: he came into life at that most eventful period when the principles of American liberty were to be vindicated by the last appeal of injured nations. He grew up to manhood amidst the soul-stirring scenes of the Revolution. All that was lofty and pure, all that was magnanimous and self-sacrificing, in the incidents of that struggle, formed the daily lessons of his childhood. He lived almost near enough to hear the indignant peals of Patrick Henry's eloquence, as he denounced the encroachments of oppression, and defied the threats of power. The first beatings of his pulse were quickened by the undaunted purposes, the invincible firmness, and the triumphant exultations of freemen.

In the Declaration of Independence that, on the 4th of

July, 1776, spread before the civilized world the recital of our wrongs, and commended to the favor of God the assertion of our rights and the great principles of civil liberty, our lamented Chief Magistrate found a motive and a pledge to determine his own. Filial duty and his own willing and ready heart early enlisted all his energies on the side of his country: as that illustrious state paper maintained and plead her cause, he consecrated to her service the best feelings and profoundest veneration of his heart.

His honored father was a member of that exalted council of enlightened patriots that prompted, directed, and shaped the mighty scheme of our national independence. O! what a propitious and fruitful page for a generous youth. By those golden lines he was taught that in the estimate of American patriots, there was a boon so costly, that life and fortune and sacred honor were not too dear to pay and pledge in its defence—and that boon was *liberty*—rational, regulated liberty.

Such were the happy influences that swayed the early sentiments and formed the established character of General Harrison—and the scholar was true to his training. For through his whole life his love of country and fidelity to her welfare, have been the ruling principles of his conduct—accorded by friends and adversaries. As he approached the active duties of manhood, he cast his fortunes with the enterprising spirits that were destined to bring into the confederacy the noble States of the West; and there, as the counsellor, the friend, and father of them all, he lived to behold Ohio, Illinois, Indiana and Missouri bringing into the Union the power, resources, and teeming millions of empires, where, within his own memory no human sounds but the wharhoop broke the silence of universal solitude.

The first public notice of General Harrison is in November, 1791; and as his estimable and early friend, Judge Bennett, in his letters on Ohio, records of him—"Soon after the battle and defeat of St. Clair in 1791, General Harrison, then a subaltern in the army, was sent in command of a small

detachment from Fort Washington to Forts Hamilton and Jefferson.

"It was in the midst of one of the severest winters ever known in this country. Subalterns were not permitted to march on horseback. Of course, this youthful hero, not then twenty years of age, marched on foot through the snow with his knapsack on his back; and although the woods were swarming with hostile Indians, he reached the place of his destination in safety, after as severe an exposure to frost, fatigue, and danger, as was endured at any time during the war."

He was after this elected the first Delegate to Congress from the Territory of Ohio, in 1799, and in the following year was appointed the first Governor of the Territory of Indiana. In after years he represented the State of Ohio, as a Representative, and Senator in Congress. In 1829 he was appointed by President Adams as Minister to Columbia.

In the second war with Great Britain, in 1812, when the dark hour of defeat and discomfiture spread terror through the Western borders, and the screams of the savage began to disturb the sleep of the cradle, he guided our North-western army with consummate skill and heroism, reassured the confidence of the country, and by the divine blessing stayed the threatened devastation of our frontiers.

In all these high trusts he has earned the praise of a faithful servant of his country. Corruption never stained his hand nor polluted his heart; and when he retired from the cares of office, it was not to indulge in the luxuries of wealth, but diminished in means by devotion to his public duties, he returned to his farm to partake of its simple and healthful productions, with the honest consciousness that he owed no debt to his country, but gratitude and good will.

He was a citizen soldier, a Christian patriot, a true hearted Republican, and an honest man. And until the waters of the Wabash and the Ohio shall cease to flow, the memory

of William Henry Harrison will be enshrined in the gratitude of all posterity.

And when his name was presented to the American people for the first office in their gift, it touched a chord that thrilled on every fibre. It was vain to approach the temper that was inspired by the calculations of policy—the heart claimed its share in the question and rejected such counsels.

There was a conjuncture of incidents and recollections which imparted unwonted interest to the subject. It was the past coming back to us. It was neither politics nor party. It soared above them all. It was the free offering of the heart, flowing from its fulness. He had in his childhood stood side by side with our fathers. He had, in the freshness of his youth, enjoyed the smiles and been honored by the confidence of the Father of his Country.

General Harrison stood between the living and the dead—a bright link to connect us in bonds of fellowship, with the golden days of our history. He seemed to rest with one hand on the past generation, and with the other, to take hold of the sympathies of the present. So many lines of precious interest met in him that patriotism and gratitude, with overwhelming enthusiasm, laid at his feet, the first honors of a free and generous people.

A President of the United States could not approach the office under more friendly auspices than invited General HARRISON. The contest, though warmly maintained, had passed away; the agitations which it had excited had all subsided, and the prospect was cheered by the most hopeful promise. Indeed, in the character of the Presidential election, there had been a manliness, decorum, and respectful deference for law and order, alike hopeful for the future, and honorable to our institutions. But these, and more than these, could not avail to suspend or turn aside the Divine purpose: the decree had gone forth, and a morning bright as ever beamed from the heavens, long before noon was to be enshrouded with the shadows of death. The President lived

long enough to grasp the gilded prize, to taste of its sweetness, if such it had, and to realize the anxieties that clustered around it—and death palsied the hand that held it.

And what painful proof meets us, of the utter vanity of earth's richest treasures. Detach them from connexion with immortality, and they are the veriest shadows, and designedly so. He who endowed this living spirit within us, never meant that its resting place should be found on earth—but we approach the truth so reluctantly, as to need these astounding providences to seal it home upon our hearts.

The late President, in his inaugural address, has alluded in terms of anxious interest, to the spirit of party as among the most fearful dangers to our liberties—when could an occasion be more solemnly suitable for us to improve the counsels of departed worth?

Political differences and personal preferences are incidental to free institutions; perhaps the healthful action of our government requires them. But let us differ as brethren of the same great fraternity, holding the same rights, bound by the same ties, and seeking the good of our common country.

Let us differ, with this day's affecting scenes fresh in our minds. The grave is a sacred composer of dissensions—how it smoothes the rough edges of conflict! how it rebukes the harshness of angry discussion! and no path of all these thousands but leads to the sepulchre. Let the prospect moderate our political controversies.

Let the world behold a spectacle worthy of freemen—that while we, without restraint, discuss the measures, and judge the officers of our government, we draw a line around the charities of life, that no strifes of party shall be permitted to invade or disturb.

There was another subject on which the President improved the opportunity of his induction to open his sentiments—and no pious mind could have made expression of them in happier terms. In the conclusion of his address, that had very properly developed the principles that should

govern his administration, as if to impart emphasis to the whole, he proceeds: "I deem the occasion sufficiently important and solemn, to justify me in expressing to my fellow citizens a *profound* reverence for the Christian Religion, and a *thorough* conviction that sound morals, religious freedom, and a just sense of *religious responsibility*, are *essentially connected with all true and lasting happiness*."

Now that the honored lips which gave utterance to this conviction are sealed in death, it is most consolatory to his family, his friends and his country, to recall the occasion. Exalted to the very summit of earthly honor, surrounded by many thousands of his fellow citizens, who crowded to the Capitol to render homage to the man of their choice; all that was intoxicating in the splendid ceremonies did not tempt him either to forget his dependence on God, or to forego that public decided testimony to the value of the Christian Religion, and beyond all worldly plaudits its essential connexion with true and lasting happiness.

And the closing scene of the melancholy drama was in harmony with these elevated views. As the expected hour of dissolution approached, he calmly prepared to meet it with devout resignation and humble trust.

The consolations of that blessed Gospel which he had so lately commended, did not fail him in this crisis; and after committing his departing spirit to God, its latest anxieties while on earth were breathed forth in concern for his country and its Constitution.

It was a death such as a Christian Statesman might desire. He had just been entrusted with the Constitution; he had most solemnly invoked the divine blessing on his faithful purpose to preserve, protect and defend it; and now that God was about to summon him to other, and as we trust to higher and purer service, the last hour was consecrated to religion and his country.

Peace be to his memory. A nation's tears will embalm it.

DOCUMENT No. 98.

BOARD OF ALDERMEN,

MAY 3, 1841.

Communication from the Counsel of the Corporation, enclosing the Opinion of the Chief Justice of the Supreme Court, denying the application of James Lynch, Esq., for a mandamus, for the payment of his salary; and the Opinion of the Chancellor, denying the right of the Corporation to tax funds in the Court of Chancery. Laid on the table and ordered to be printed.

SAMUEL J. WILLIS, CLERK.

The undersigned has the honor to transmit to the Common Council the accompanying Opinion of the Chief Justice of the Supreme Court, denying the application of James Lynch, Esq., for a mandamus, to compel the payment of his salary, as one of the Associate Judges of the Court of General Sessions; and also the Opinion of the Chancellor, denying the right of the Corporation to tax the funds of suitors in the Court of Chancery.

Respectfully submitted.

P. A. COWDREY,
Counsel of the Corporation.

SUPREME COURT.

THE PEOPLE, EX. REL. JAMES LYNCH.	}
VS.	
THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK.	

Motion for peremptory Mandamus.

The relator has been appointed one of the Associate Judges of the Court of General Sessions of the City and County of New York, under the Act for the better organization of the Criminal Courts in said City, passed 14th of May, 1840, and duly entered upon the discharge of the duties of said office on the 20th of the same month, and has continued to discharge the same down to the 20th of November, and since. The salary fixed by the statute is two thousand dollars per annum, payable quarterly; and the papers before me show, that he has applied to the Comptroller of the City for payment for the quarter ending 20th of August, November and February, which was refused: that officer stating that he had no authority to pay the same, without an order from the Common Council of said city.

The alternative mandamus directs that the said Mayor, Aldermen and Commonalty order and direct the said Comptroller to pay the relator the several quarters' salary due him, or show cause, &c. A return has been made showing cause, and set up by way of excuse for the non-payment. 1st. That the Act under which the relator has been appointed, and the payment of his salary enjoined, did not receive the assent of two-thirds of the Legislature, and that therefore the same is unconstitutional and void. 2. That they, the Mayor, Aldermen and Commonalty did, before the passage of said Act, cause to be presented to the Legislature a remonstrance

against the same, and that it was passed without their assent. 3. That no money has ever been appropriated by any law, ordinance, or resolution of the Common Council of said City for the payment of said salary. 4. That they, the said Mayor, &c., never employed the said relator to perform any of the services which have been rendered by him. On the coming in of the return, the relator summarily moved for a peremptory mandamus, the effect of which motion is to admit the material facts stated in the return, -contending that they constituted no answer to the application.

BY THE COURT—NELSON, CH. J.

The first question presented is, whether the Act of May, 1840, Session Laws, p. 257, for the better organization of the Criminal Courts in the City of New York, under which the relator has been appointed Associate Judge of the General Sessions, and which fixes his salary and mode of payment, is unconstitutional and void, not having received the assent of two-thirds of the members elected to each branch of the Legislature, in pursuance of the ninth section of the seventh article of the Constitution. I had occasion in the case of the *People vs. Morris*, 13 Wendell, p. 325, to examine at large the effect of this section upon the legislation of the State, concerning our public corporate communities (our cities and villages,) and came to the conclusion that they were neither within the object, intent or mischief of the provision. This has been regarded as the law of the Court ever since, and I see is fully concurred in by the Chancellor, in the late cases of *Warner vs. Beers*, and *Bolander vs. Stevens*, in the Court for the Correction of Errors, p. 25, and, as I understand, by two other members who delivered, pp. 56 and 91, Senator Verplanck and President Bradish, Report by Van Orden & Co., 1840.

I shall not again go over the ground then occupied, in arriving at my conclusion, but will state a little more distinctly one or two considerations then noticed.

The Territory of the State, for the more convenient jurisdiction and government of the same, has been divided into counties, towns, cities and villages; to each of which, portions (more or less) as deemed expedient and fitted to their wants, of the civil and political power of the State, has been delegated. They have been organized into separate and distinct communities or bodies politic, and are clothed with extensive authority, legislative, executive and judicial, for the purposes of local government. The amount of political authority so delegated; its distribution and arrangement in the different communities vary. The powers and privileges conferred upon counties are more limited and simple in their operation than upon the towns; upon villages than upon the cities; distributed among each by the Legislature, with due regard to the supposed necessities of the place and the purposes of its separate organization. But though the amount and distribution differ, the nature of the powers conferred on each, and the object of granting them are the same. They belong exclusively to the class that relate to the general concerns of the people—to their public, civil and political interests—in a word, to the good government of the place. It is only necessary to look into the external organization of the counties, towns, cities and villages, as defined and regulated by law, to confirm the general correctness of these observations. It will there be seen also, that in order to simplify and facilitate the administration and execution of these various powers, counties and towns, as well as the cities and villages, have been constituted bodies corporate, and are expressly invested with all the essential attributes of the same, 1 R. S. 330, 357. The portion of sovereign authority thus specially conferred upon these several civil divisions of the State is granted by the Legislature. 1st. By general statutes applicable in common to all of them. 2d. By special enactments, granting to each separately. Under the first, counties and towns are erected into distinct political communities: under the second, cities and villages. Their several powers

and privileges are more or less limited or enlarged, defined or undefined, according to the form of the several Acts and Charters under which they have been organized. But in each a large mass of power has been left to the exercise of the discretion and judgment of the several bodies upon which it has been thrown. Thus in counties, large discretionary power is vested in the Board of Supervisors: in towns, in the people in town meeting convened: in villages, usually in the Trustees; and in cities in the Mayor, Aldermen, and Commonalty. These different bodies of men, from their local situation, were supposed to embody a more intimate and thorough acquaintance with the immediate wants of the people in their several departments, and therefore better enabled to exercise a sound judgment in the matter than the Legislature; besides the intrinsic difficulty of carrying the regulation of political power into its minute and remote ramifications.

Now this whole mass of political power, defined and undefined, thus accumulated in these several distinct local communities, both by general and special laws, is confessedly under the action and control of the Legislature. They may enlarge, modify, or abrogate at pleasure. It may be done, either by general statutes, operating alike over every part of the State, with or without regard to its civil divisions, or by special laws, bearing directly upon any of them.

The question then is, in what manner must these laws be passed? by a vote of two-thirds, or in the ordinary way?

The objection urged is, that public as well as private corporate bodies are embraced within the ninth section of the 7th article of the Constitution, and hence this whole body of powers is exempt from any Legislation, except in pursuance of that provision.

If this be so, and the doctrine carried out practically and consistently, there is not a foot of territory within the State but may claim a like exemption. Corporate political powers will be found embodied and in full operation over its whole

surface—I may say in duplicate force; for the Legislature will meet it both in counties and towns. Corporate privileges have been conferred largely upon these, by the same authority, of the same nature, and for the same objects, as in cities and villages. But even laying these out of view, are the hundreds of villages, and others to be yearly added, to be taken out of the ordinary legislation of the State, exempt both from special and general enactments, with a view to the public good, unless by the assent of two-thirds of the members? Take either view, and the restraints and embarrassments upon the Legislature are such as could never have been anticipated or intended by the framers of the Constitution. Neither could it have entered into their minds that they were making a distinction between cities and villages, counties or towns, in the mode of enacting laws regulating the public government of the inhabitants thereof.

The distinction between public and private corporations is strongly marked, clear, well known and understood from the origin of them. The one relates exclusively to the public concerns of the corporation, and in the embodiment of political power, for the purposes of public government; the other to the private rights and interests of the Corporation, enabling them to consolidate capital and apply it in the various occupations of life in their aggregate character, in the same way, and with the like ease and facility, as in case of a single individual.

Applying the constitutional provision to the latter class, I cannot doubt but that the full operation and effect intended by the framers will be yielded to it. The great evil existing and deeply felt in the State at the time, as well as the whole history of its adoption by the Convention, confirm this view.

I am satisfied, therefore, that the law of 1840 was passed by competent authority; that the tenure of the relator to the office of Associate Judge of the Sessions is valid, and that

he is justly entitled to the salary annexed. And I would willingly grant this remedy to enforce payment, if I could have come to the conclusion that it was an appropriate one. But after full consideration I am satisfied he has a perfect legal remedy by action, which, upon settled principles, forbids a resort to the writ of mandamus.

The 5th section of the Act of 1840, (Statutes, p. 258,) provides that the Associate Judges shall receive each a yearly salary of two thousand dollars, to be paid by the Common Council of the City, in quarterly payments. Here is a legal duty, enjoined by competent authority, which the Corporation are bound to discharge. It is as binding upon them as if entered under the Corporation seal. Full consideration has been rendered in the services of the officers for the liability thus imposed. An action on the case, or assumpsit, will lie for a neglect of corporate duty. This was decided in *Commercial Bank of Buffalo, vs. Kortright*, confirmed in the Court for the Correction of Errors. 20 Wendell, 93; 22 W., 348. See also 7 Cranch, 299; 12 John. 231; 14 id., 118.

There is also another difficulty, I think, in the way of a remedy by mandamus. Payment is to be made "out of the City Treasury, by quarterly payments." By the Amended Charter of 1830, § 18, annual and occasional appropriations shall be made, by proper ordinances of the Common Council, for every branch and object of City expenditure. *Nor shall any money be drawn from the City Treasury, except the same shall have been previously appropriated to the purpose for which it is drawn.* These ordinances, making the appropriations, can only be passed by the Common Council while acting in their legislative capacity, subject to the qualified veto of the Mayor. § 7, 10, 12. The nature of the powers necessarily implies the exercise of discretion, however plain the duty may be; and where that exists, in respect to the Act complained of, this remedy will

not lie. If the Corporation, like a State, were exempt from suits at law, perhaps no remedy would exist in behalf of the relator, except an appeal to their sense of justice: being, however, like an individual, subject to the ordinary modes of enforcing legal liabilities: if they do not choose voluntarily to discharge them, the legal remedy is open to the party.

Motion for peremptory mandamus denied, without costs.

Copy of opinion of the Court.

JOHN L. WENDELL,
State Reporter.

IN CHANCERY.

IN THE MATTER OF THE PETITION
OF THOMAS K. KILLENGER, COL-
LECTOR OF TAXES FOR THE
SIXTH WARD OF THE CITY OF
NEW YORK.

This was an application by the Collector of the Ward in the City of New York, in which the office of the Assistant Register of this Court is located, for an order directing such Assistant Register to pay to the petitioner, for the use of the Corporation of the City, a tax of seven thousand and forty-eight dollars, assessed against the Court of Chancery in eighteen hundred and thirty-eight; on account of the funds and securities belonging to suitors in the Court, standing in the name of the Assistant Register, either as such Register or as Clerk of the First Circuit.

P. A COWDREY, *for the Petitioner.*

THE CHANCELLOR.

As this application involved the rights of all the suitors in this Court who had funds standing in the name of one of its officers, as well as the rights of the towns or wards where such suitors reside, to tax them for their interests in such funds, I directed notice of the presenting of the petition to be given to the Attorney General, as well as to the late Assistant Register. But as neither of those officers appeared to argue against the application, I am compelled to decide the question involved therein upon the *ex parte* argument of the Counsel for the petitioner, who is also the Counsel for the Corporation of the City of New York. The question thus presented for consideration is one of great consequence, not only to the parties whose property is under the care of this Court, but also to the inhabitants of other sections of the State where such parties reside. For if the Court of Chancery, or its

officer, can be taxed as the trustee of the fund in the sixth ward of the City of New York, suitors residing elsewhere must either pay a double tax upon their interests in the fund, or the town or ward where such suitors reside will be deprived of the right to tax them any thing on account of that portion of their personal estates. It will be seen that the amount of the tax claimed in this case amounts to about seven thousand dollars annually; and if the claim of the Corporation can be sustained, the principle is not only applicable to the funds in the hands of the officers of this Court, but also to every other Court in the State, under whose control the funds of suitors are temporarily placed. The result of a decision in favor of this application, would be to give to the town or ward where the office of a Register or Clerk of any Court of Record, or of a Surrogate, is situated, the exclusive right to tax the funds in Court; although the property actually belonged to persons residing in other parts of the State. I have therefore examined the question with all the care which its importance seemed to require, although I have only had the aid of Counsel on one side; and have arrived at a conclusion, which is perfectly satisfactory to my own mind, that the claim made in behalf of the Corporation of the City of New York is one which cannot be sustained.

The first section of the title of the Revised Statutes relative to property liable to taxation, (1 R. S., 387,) adopts the general principle that all lands and all personal property within this State is liable to taxation, subject to certain exceptions specified in the subsequent sections. But as many kinds of personal property have in fact no locality, except such as is connected with the actual domicile of the owner of such property, it became necessary for the legislature to declare in what cases and under what circumstances that species of property should be deemed to be located within this State for the purposes of taxation; and the person to whom it should be considered as belonging for the purpose of determining in what section of the State it should be taxed, and to enable

the proper officer to collect the tax imposed thereon. This has been done, except as to the property of corporations, by the section of the Revised Statutes which declares that every *person* shall be assessed in the town or ward where he *resides* when the assessment is made, for all personal estate owned by him, including all such personal estate in his possession or under his control as trustee, guardian, executor or administrator. (1 R. S. 389, § 5.) This section makes the trustee of property, who has the possession or control of it as such trustee, the owner thereof, for the purposes of taxation. And such property is to be taxed where such owner resides, without reference to the actual location of the property itself. To protect the real owner or cestui que trust from double taxation, the same section also provides, that in no case shall property so held, under either of the trusts therein mentioned, be assessed against any other person.

It is very evident that the Court of Chancery cannot be considered as a person holding and owning property as a trustee, and having a local residence in a particular town or ward, so as to authorize the imposition of a tax upon the court under this section of the statute. For the mode of making the assessment and of reducing the amount thereof, when assessed too high, and the manner of collecting the tax by a distress and sale of the property of the person against whom such tax is assessed, as directed in the Revised Statutes, are inconsistent with the idea that the Legislature could have intended that the property should be assessed as belonging to the Court of Chancery as a trustee.

Besides, this court has no residence in any particular town or ward, so as to authorize the Assessors of such town or ward to assess it for the funds which are under its control. The statute, therefore, which directs personal property held by trustees, guardians &c., to be assessed, &c., the persons sustaining such fiduciary character at the places of their residence; only applies to private persons who sustained those characters, and not to courts. And the clause exempting

trust property from assessment against the real owner of such property, is limited to cases where the property is thus held by persons to whom the same can properly be assessed as individuals in the fiduciary characters mentioned in the statute. In all other cases the real owner of the property, if he is a resident of this state, should be assessed, to the value of his beneficial interest in the fund or property; and the town or ward in which he resides at the time of the assessment is entitled to the benefit of the assessment.

Neither can it be proper to assess the registers and clerks of this court as trustees of the funds standing in their names in the banks in which the monies of the court are required to be deposited, or in the shape of stocks, bonds and mortgages or other securities. For as to such funds the registers and clerks are not trustees thereof; nor are such funds either in their possession or under their control: although the money paid into court stands in the name of the register or clerk, he is not entitled to the possession thereof, neither can he draw it out of the bank without the special order of the court, countersigned by the Chancellor or Vice Chancellor, under whose control such fund is placed. Neither can such register or clerk sell or assign any certificate of stock, or any bond and mortgage or other security standing in his name, so as to make a valid transfer thereof, to the assignee or purchaser without an order of the court authorizing such transfer. And if the funds are assessed to the register or clerk as a trustee, and the tax is collected from him, he cannot reimburse himself out of the fund in court, nor is there any mode provided by law whereby he can be remunerated for the loss which he would in such case inevitably sustain.

If any part of the funds in court belong to persons residing in the City of New York, so as to render it proper that the same should be taxed in that city, the proper course is to assess the same to such owner in the ward in which he resides, as a part of his personal estate, so as to give him an opportunity to reduce the assessment on the usual affidavit

if he is assessed for more personal property than he is actually worth, over and above his debts; and if he resides in some other part of the state, so as to be subject to taxation for this part of his property in some other city or town, or if he is a non-resident so that his property is not liable to taxation here, the Corporation of New York has no equitable claim to reach such property and impose a tax thereon for the benefit of that city because an officer of the court happens to keep his office there.

The petition must therefore be dismissed.

A Copy.

JOHN M. DAVISON,
Register.

The first of these is the fact that the number of persons who have been admitted to the bar in this State during the year ending June 30, 1881, is 100. This is a very small number, and it is probable that the number of persons who have been admitted to the bar in this State during the year ending June 30, 1882, will be still smaller.

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DOCUMENT No. 99.

BOARD OF ALDERMEN,

MAY 3, 1841.

*Report of the Committee on Public Offices and Repairs,
in compliance with an Ordinance to provide for the Ac-
countability of the Executive Committees of the Com-
mon Council. Ordered on file.*

SAMUEL J. WILLIS, CLERK.

The Committee on Public Offices and Repairs, in ac-
cordance with the ordinance therefor, respectfully

REPORT:

That at a meeting of your Committee on Friday evening, April 30, at which were present Aldermen Smith and Nichols, and Assistant Aldermen Vandervoort and Penny, the Superintendent of Buildings presented sundry bills, being for the semi-monthly pay of his department, which were allowed, and a requisition upon the Comptroller to pay the same,

amounting to \$3,468 06, was signed by all the members of the Committee present. Of this amount there was applicable to the

Fire Department, for workmen's wages	\$ 725 63
Do. for materials, &c.....	1,536 77
Repairs and supplies, for workmen's wages	586 03
Do. do. for materials, &c.	619 63
	<hr/>
	\$3,468 06

Which is respectfully submitted.

E. L. SMITH,
SAMUEL NICHOLS.

DOCUMENT No. 100.

BOARD OF ALDERMEN,

MAY 3, 1841.

Report of the Croton Aqueduct Committee, in compliance with an Ordinance to provide for the Accountability of the Executive Committees of the Common Council. Ordered on file.

SAMUEL J. WILLIS, CLERK.

CROTON AQUEDUCT DEPARTMENT, }
NEW YORK, MAY 3, 1841. }

Report of the Proceedings of the Croton Aqueduct Committee, since the last regular meeting of the Board of Aldermen.

The Committee met on the 30th of April, 1841—present, Aldermen Cooper and Nichols; Assistant Aldermen Leonard, Vandervoort and Wood. The Aqueduct Commissioner presented the bills enumerated in the following schedule, which, after examination, were audited and directed to be paid—all present voting affirmatively.

Voucher

No. 130. Pay list of 1st company aqueduct work-

	men	\$206 31	
131. Do.	2d do. do ..	226 82	
132. Do.	3d do. do ..	204 83	
133. Do.	4th do. do ..	199 00	
134. Do.	5th do. do ..	190 13	
135. Do.	6th do. do ..	182 58	
		<hr/>	\$1,209 67
136. Do.	for cartage of pipes	381 75	
137. Samuel S. Wandell, bill for digging and filling trenches, &c.		5,878 18	
138. Stephen Colwell and Samuel Richards, bill for pipes and branches		2,749 64	
139. Joseph W. Brick, bill for pipes and branches		2,317 87	
140. Ward, Stillman & Co., bill for pipes and branches		2,167 15	
141. John Cumings, bill for pipes and branches		1,446 25	
142. James Robertson, bill for hydrants and stopcocks		1,710 00	
143. T. & G. Rowe, bill for castings		456 67	
144. John J. Moffatt, bill for tools, &c.		173 10	
145. William Plumb, bill for sundry bills ..		81 91	
		<hr/>	\$18,572 19

146. Ellicott & Brothers, bill for pipe, pay- able in five per cent. City Bonds, at par	\$6,941 44
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DOCUMENT No. 101.

BOARD OF ALDERMEN,

MAY 11, 1841.

Report of the Committee on Charity and Alms House, on the Report, &c., of the Board of Assistant Aldermen, in relation to the purchase of property at the foot of Sixty-first street or the Ferry to Blackwell's Island. Laid on the table.

SAMUEL J. WILLIS, CLERK.

The Committee on Charity and Alms House, to whom was referred the annexed resolution and report from the Board of Assistants, together with a communication from the Commissioners of the Alms House, recommending the purchase of the property at the ferry to Blackwell's Island, and the grading of Sixty-first street, respectfully

REPORT:

That they have examined the papers so referred to them, and into the subject matter to which they refer, and they have arrived at a very different conclusion from that of the Committee of the other Board. Your Committee are de-

cidedly of opinion that the necessity for the proposed purchase does not exist, and that although a small parcel or piece of land at the place in question, say one or two lots, might be desirable, if to be procured on proper terms, the possession of the property, as proposed by the said Committee, would add a very considerable additional amount to the already heavy expenditures on account of the Alms House Department, without affording an equivalent to the public. New officers or superintendents must be appointed, new buildings and other improvements erected and made, before the views of the Commissioners could be carried out, involving an expenditure of money, which, in the present state of the finances of the city, is certainly to be avoided, unless absolutely necessary. Your Committee believe, that if a proper system of discipline existed over the subordinate officers attached to the Alms House Department, or an efficient police was maintained on Blackwell's Island, most of the evils complained of in the communication of the Commissioners would be remedied—indeed, if the evils do exist, as stated, from the intercourse of the boat's crew, who are prisoners, with others not belonging to the island, it is more owing to the keepers, or persons having the boats and crews in charge, than to any circumstances attending the place of landing; and by making suitable arrangements of the manner and time for transporting patients or prisoners to the island, the causes of complaint as to their exposure might be easily obviated.

Your Committee also are of opinion that if some additional accommodation is much needed, it is within the power of the Corporation to make such as would be sufficient, at the foot of the street and in the avenue, without interfering with the rights of any one.

Your Committee deem the mode proposed in the resolution adopted by the other Board for the purchasing or procuring the property in question very objectionable, and not to be sanctioned. The property proposed to be given in ex-

change, and at a valuation of appraisers is solemnly pledged by our ordinances for the redemption of certain debts of the Corporation; that held under a foreclosure of a fire law mortgage is pledged for the redemption of the fire loan stock, as the mortgage and its proceeds are pledged by the ordinance in addition to the faith, &c. of the Corporation to the redemption of that stock. The language of which ordinance is as follows:

§ 6. "The faith and property of the City of New York, and the proceeds of all bonds and mortgages which may be purchased in pursuance of this law, are hereby pledged for the redemption of the said stock or loan."

And the water lot quit rents are also pledged by our ordinances to the sinking fund, and converting of them as proposed into a property, which, by the express object for which obtained, must be for public use and purposes (for, for no other purpose can the Corporation become a purchaser, or acquire title of any lands,) and, consequently, unavailable for the extinguishment of the debts for which the property so to be given in exchange is pledged, would be a violation of public faith and injurious to the credit of the city, and the more so at this time when that credit should be maintained unsullied and unsuspected.

Under these views of the subject, your Committee deem it highly inexpedient to make the purchase as proposed, and they therefore recommend a non-concurrence in the resolution adopted by the Board of Assistants in relation thereto, being the first resolution appended to the annexed report; and for the reasons in said report, they recommend a reference of the subject of grading Sixty-first street, to the Committee on Roads and Canals, being a concurrence in the second resolution to said report.

Respectfully submitted.

JAMES FERRIS,
EGBERT BENSON.

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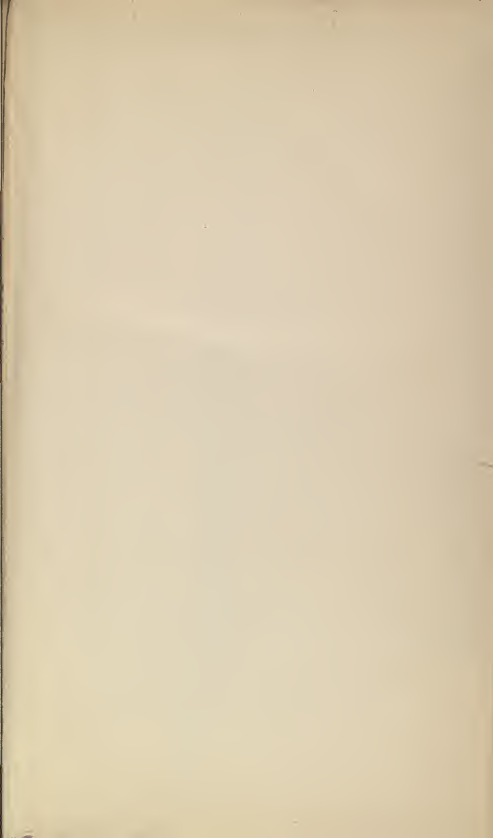
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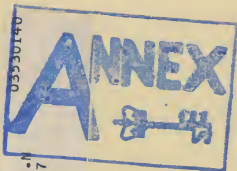
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